

Court No. - 13

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14827 of 2023

Applicant :- Kunwar Mayank Singh @ Chhotu Singh

Opposite Party :- State Of U.P., Thru. Addl Chief Secy. Dep'tt. Of Home, Lko.

Counsel for Applicant :- Vinod Kumar Singh, Rahul Singh

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the applicant, learned AGA for the State and perused the record.

Learned counsel for the applicant submits that as per the prosecution story while the applicant's mother and neighbor went to the police station, at around 3:30 pm, he was informed by his neighbor that his sister in suspicious circumstances committed suicide. She was taken to a hospital where she was declared dead. It has been further alleged that several times a call was made on the phone of the deceased by the applicant and due to that harassment, she committed suicide.

Learned counsel for the applicant submits that the entire family of the applicant has been falsely implicated. Later on while filing the charge sheet names of the family members of the applicant have been dropped. There is no evidence against the applicant and the chain of circumstances is not complete.

It is further submitted that there is no possibility of the applicant of fleeing away after being released from jail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned AGA has opposed the bail application submitting that on the date of the incident, 8 calls were received by the deceased from the phone of the applicant and prior to the incident, the applicant was seen having a conversation with the deceased.

Learned counsel for the applicant rebutting the argument of learned AGA has submitted that to constitute abetment, intention and involvement of the accused to instigate the commission of suicide is imperative which is missing in the present case.

On due consideration to the submission advanced as well as perusal of the record, so also the fact that the applicant has no criminal antecedent; incident is of 21.04.2023 and on the same date the complainant himself gave an application to the concerned police station without levelling any allegation,

however, without explaining the delay of seven days on 28.04.2023, FIR has been lodged implicating the present applicant and without expressing any opinion on the merits of the case, I find it to be a fit case for enlarging the applicant on bail.

Accordingly, the bail application is allowed.

Let the applicant, ***Kunwar Mayank Singh @ Chhotu Singh*** involved in Case Crime/FIR No. 74/2023, under Sections 306 IPC, Police Station - Jaitpur, District - Ambedkar Nagar, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

(iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(vi) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

Order Date :- 16.12.2023
R.C.