

Court No. - 5

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7028 of 2024

Applicant :- Govind

Opposite Party :- State Of U.P. Thru. Prin.Secy. Home Lko.

Counsel for Applicant :- Sarjoo Ram,Aklavya

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Sarjoo Ram, learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.140 of 2022, under Sections-498A, 304B IPC and Section-3/4 D.P. Act, Police Station-Kunda, District-Pratapgarh.
3. Contention of learned counsel for the applicant is that the first informant in her cross-examination did not support the prosecution story during her statement before the trial court. It is further submitted that entire prosecution was initiated on the information of the PW-1 (first informant). In the FIR, it is stated that deceased told her that the applicant and his family members had forcibly administered her poisonous substance but in the cross-examination, she clearly denied the same, therefore, no case is made out against him. It is further submitted that applicant has been falsely implicated merely only on the basis of apprehension and doubt.
4. Though, learned A.G.A. has opposed the prayer for bail but could not dispute the aforesaid fact.
5. Thus, considering the entire facts and circumstances of the case, submissions of learned counsel for the parties

and keeping in view the nature of offence, evidence, complicity of accused and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Govind** involved in the aforementioned crime 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:-

i. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.

ii. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 27.6.2024

S.Chaurasia