

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12111 of 2024

Applicant :- Saqeel

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

Counsel for Applicant :- Anurag Singh

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.

The present bail application has been filed by accused-applicant seeking bail in Case Crime No.264 of 2021 under Section 302, 201, 394, 411, 120-B/34 Indian Penal Code, Police Station Talgoun, District Sitapur.

Learned counsel for the applicant submits that the role assigned to the present applicant is similar to that of co-accused persons namely Ramzan and Akeel, who have been granted bail vide orders dated 17.1.2024 and 31.1.2024 passed by this Court in Cri. Misc. Bail Application No.10046 of 2023 and Cri. Misc. Bail Application No.445 of 2024. He seeks parity with the bail order of co-accused persons Ramzan and Akeel. Except confessional statement of the applicant and the co-accused persons and false recovery of *banka* from the joint pointing out of the applicant and the other co-accused persons, there is no other material with the prosecution to implicate the applicant. It is further submitted that during trial, in order to improve the prosecution, witness Manish has also given last seen evidence against the applicant with the deceased. Out of 25, 9 prosecution witnesses have been examined so far. The applicant is languishing in jail since 30.7.2021. More than three years have passed since then. The trial is not likely to be concluded in near future. The case is of circumstantial evidence.

Learned A.G.A. has opposed the bail prayer of the applicant, however, does not dispute the fact that the co-accused having similar role that of the applicant,

have been granted bail by this Court (supra).

On due consideration to the submissions advanced, perusal of the record as also the fact that the co-accused persons, named above, has been granted bail, the case is of circumstantial evidence and out of 25 witnesses only 9 prosecution witnesses have been examined, all the fact witnesses have also been examined, there appears to be no chance of tampering the witness, the applicant is languishing in jail since 30.7.2021, so also the judgment passed by Supreme Court in the case of ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another : Criminal Appeal No.2787 of 2024, reported in (2024) 9 SCC 813***, without expressing any opinion on 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 **Saqeel** be released on bail in the aforesaid case crime number subject to his furnishing a personal bond and two reliable sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:

- (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 :- 18.12.2024

Madhu D.R/P.S