Court No. - 54

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 35954 of 2020

Applicant :- Smt Sapna
Opposite Party :- State of U.P.
Counsel for Applicant :- Sandeep Tripathi,Atul Pandey
Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh-I,J.

Counter-Affidavit has been filed by learned A.G.A. and the same is taken on record.

Heard Sri Sandeep Tripathi, learned counsel for the applicant and Ms. Akanksha Gaur, learned A.G.A. for the State.

This Bail Application (under Section 439 Cr.P.C.) has been moved for seeking bail in Case Crime No. 159 of 2020 under Sections 302, 201, 120-B and 414 I.P.C., P.S. Kairana, District Shamli.

As per F.I.R. which has been lodged by Suresh, his son, Tarun @ Tanni had been taken away by the co-accused, Amit to Panipat on motorcycle and it appears that he was strangulated to death and dead body was thrown on the road leading to Titarwara. Post-mortem report shows that deceased has sustained four injuries and cause of death is found to be ante-mortem strangulation.

It has been argued on behalf of learned counsel for the accused applicant that accused applicant has been falsely implicated in this case; applicant is innocent. His name has come in the confessional statement of co-accused Kala @ Jogendra. No recovery of any incriminating article has been made from the applicant or from his pointing out. Motive is said to be illicit relationship of the co-accused, Kala with accused applicant and deceased is stated to have started defaming the co-accused, Kala @ Jogendra because of the said illicit relationship due to which plan had been made by co-accused, Kala @ Jogendra for elimination of the deceased in collusion with the applicant; the accused applicant is in jail since 18.05.2020; if the accused is released on bail, he will not misuse the liberty of bail.

Learned A.G.A. has opposed the bail but has not controverted

the aforesaid facts.

Looking to the fact that name of the applicant has come in the confessional statement only which has no evidentiary value, quantum of the punishment, nature of the offence and period of detention in jail, without expressing any opinion on the merits, this case is found to be a fit case for bail.

Let the applicant, **Smt Sapna** involved in aforesaid crime be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that :-

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

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

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

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

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

Taking into consideration that Covid-19 is continuing and due to which certified copy would not be possible to be obtained by the applicant, therefore, if a copy of this order downloaded from the official website of Allahabad High Court and self attested by the counsel for the applicant is placed before the Court, the same would be entertained.

Order Date :- 9.12.2020
A. Mandhani