Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11477 of 2024

Applicant :- Anil Kumar Singh
Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home Lko.
Counsel for Applicant :- Brijesh Kumar Singh,Raghvendra 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.27 of 2023, under Sections 419, 420, 467, 468, 471, 120-B I.P.C., P.S. Kotwali Nagar, District Gonda.

Learned counsel for the applicant submits that applicant is languishing in jail since 17.12.2022. The role assigned to the present applicant is similar to that of co-accused Rakesh Kumar Tripathi who has been granted bail by this Court vide order dated 03.10.2024 passed in Criminal Misc. Bail Application No.9967 of 2024, both are advocates. Applicant seeks parity with the bail order of co-accused Rakesh Kumar Tripathi (supra). The applicant is neither purchaser nor seller or marginal witness in the alleged sale deed. Applicant has not received any pecuniary gain.

It is submitted on behalf of the applicant that trial has not commenced yet.

Learned A.G.A. has opposed the bail prayer however, does not dispute that role assigned to the applicant is similar to that of

co-accused Rakesh Kumar Tripathi (supra).

On due consideration to the submissions advanced, perusal of the record as also the fact that the applicant is languishing in jail since 17.12.2022, offences are triable by magistrate, applicant has explained the criminal history so also the bail order of Rakesh kumar Triapthi, 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 ***Anil Kumar Singh*** be released on bail in 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 :- 2.12.2024
Saurabh Yadav/-

Digitally signed by :-
SAURABH YADAV
High Court of Judicature at Allahabad,
Lucknow Bench