

(2024) 02 AHC CK 0014

Allahabad High Court

Case No: Criminal Misc. Bail Application No. - 14 Of 2024

Bittu @ Yaman

APPELLANT

Vs

State Of U.P.

RESPONDENT

Date of Decision: Feb. 12, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 174A, 229A, 307, 323, 325, 352, 504, 506
- Code Of Criminal Procedure, 1973 - Section 82, 313

Hon'ble Judges: Piyush Agrawal, J

Bench: Single Bench

Advocate: Vijay Tripathi

Final Decision: Disposed Of

Judgement

Piyush Agrawal, J

Heard learned counsel for the applicant as well as learned Additional Government Advocate for the State of U.P. and perused the record.

The present bail application has been filed by the applicant seeking bail in Case Crime No. 632 of 2023, under Sections 307, 323, 325, 352, 504, 506 IPC, Police Station-Shikohabad , District - Firozabad.

Learned counsel for the applicant submitted that the applicant is innocent student and has been falsely implicated in the present crime. It is submitted that there was no independent public witness to prove the alleged recovery of weapon; general allegations has been made against all the accused; the injuries sustained by the injured were superficial and not dangerous to life; the applicant has no previous criminal history. It is stated that after taking note of entire facts and circumstances of the case,

co-accused, namely Bobby, Anjul Bhadauriya and Golu have already been enlarged on bail by this Court and their bail orders have been annexed as Annexure No. 6 to this bail application. Accordingly, the applicant is also entitled for bail on the ground of parity. It is also submitted that there is no apprehension that after being released on bail, applicant may flee from the course of law or may, otherwise, misuse the liberty of bail and the applicant is in jail since 22.8.2023 and the possibility of conclusion of trial in near future is very bleak.

Learned A.G.A. has, however, opposed the prayer for grant of bail, but he has not disputed the above contention made by the learned counsel for the accused-applicant that co-accused has already been released on bail.

Considering the facts and circumstances of the case, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties and keeping in mind that co-accused has already been released on bail by this Court and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail.

Let applicant namely Bittu @ Yaman be released on bail in the aforesaid Case Crime Number on his/her furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall file an undertaking to the effect that applicant 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.

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

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

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against the applicant in accordance with law.

Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order in the matter regarding cancellation of bail.

The bail application stands disposed of finally.