

Court No. - 59

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 33407 of 2018

Applicant :- Ramveer

Opposite Party :- State Of U.P.

Counsel for Applicant :- Sunil Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Suneet Kumar,J.

Heard Sri Sunil Kumar Srivastava, learned counsel for the applicant and learned A.G.A. appearing for the State.

As per the prosecution case, deceased at about 1.45 a.m. was subjected to gun shot injury; two persons were nominated; during investigation, name of the nominated persons was dropped; on the statement of Km. Yashodhara recorded after lapse of three months and 28 days the name of the applicant alongwith co-accused Jagat Pal, Kamlesh Verma and Moor Pal surfaced; witnesses have assigned to role of firing to co-accused Jagat Pal and Kamlesh Verma; postmortem examination report shows two entry and two exit fire arm injury; apart from the belated statement, there is no other evidence against the applicant. It is lastly submitted that the applicant has no other reported criminal antecedent and he is languishing in jail since 01.06.2018, there is no likelihood of early disposal of trial and the applicant undertakes that if enlarged on bail, he will never misuse his liberty and will co-operate in the trial.

Learned A.G.A. opposed the prayer for bail.

Without expressing any opinion on the merits of the case and considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tempering of the witnesses and *prima facie* satisfaction of the Court in support of the charge, the applicant is entitled to be released on bail in this case.

Let the applicant, Ramveer, involved in Case Crime No. 03 of 2018, under sections 147, 148, 149, 452, 302, 120-B I.P.C. at Police Station Madnapur, District Shahjahanpur, be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) 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.

(ii) 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.

(iii) 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.

(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 him in accordance with law.

Order Date :- 31.8.2018

K.K. Maurya