

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42319 of 2018

Applicant :- Bablu Rai

Opposite Party :- State Of U.P.

Counsel for Applicant :- Safiullah

Counsel for Opposite Party :- G.A.

Hon'ble Aniruddha Singh,J.

Supplementary affidavit filed today is taken on record.

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

According to prosecution case, F.I.R. was lodged against the present applicant alleging that due to wrong treatment by the applicant, Jgdish was died.

Learned counsel for the applicant submitted that the applicant has been falsely implicated in this case; the applicant is languishing in jail since 26.8.2018 (more than three months); having no criminal history; there was no intention or motive to kill the deceased; according to viscera report, no poison was found in the body of the deceased; there is no independent witness and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid fact as argued by learned counsel for the applicant and admitted that applicant has no criminal history and also admitted that no poison was found in the body of the deceased.

Considering the submission of learned counsel for the parties, facts of the case, nature of allegation and period of custody, gravity of offence, without expressing any opinion on the merits of the case, the Court is of the opinion that it is a fit case for bail. Hence, the bail application is hereby allowed.

Let the applicant Bablu Rai involved in Case Crime No. 211 of 2018, under Section 304 IPC, Police Station-Baniyather, District-Sambhal be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:

1. The applicant will not tamper with the evidence during the trial.
2. The applicant will not pressurize/ intimidate the prosecution

witness.

3.The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

4.The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

5.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.

In case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail.

Order Date :- 30.11.2018

OP