

Court No. - 50

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13135 of 2019

Applicant :- Jitendra Singh

Opposite Party :- State Of U.P.

Counsel for Applicant :- Balbeer Singh, Sunil Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Aniruddha Singh, J.

Vakalatnama filed today by Sri Gaurav Kakkar and Sri Raghuraj Singh, Advocate on behalf of complainant is taken on record.

Heard learned counsel for the applicant, learned counsel for the complainant as well as Sri Mayank Mishra, learned brief holder for the State and perused the record.

It is submitted by learned counsel for the applicant that F.I.R. was lodged against Jitendra Singh and Dharmendra Kuamr. After investigation final report was submitted. Vide order dated 11.12.2018, Jitendra Singh and Dharmendra Kuamr were summoned under Section 319 Cr.P.C after recording the statements of P.W.1 and P.W.2. The applicant is innocent and has been falsely implicated in the present case. There is general allegations against the applicant. Applicant was summoned by the court concerned without giving opportunity of hearing and cross-examination. Offences levelled against the applicant are not attracted in the present case. Charge sheet has been submitted against Ritesh, Pinku @ Amrendra and Situ. One countrymade pistol was recovered from the possession of co-accused Situ. There is no legal evidence and no independent witness against the applicant. He is languishing in jail since 27.2.2019 (more than one month) having no criminal history and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

Learned counsel for the complainant opposed the prayer for bail and submitted that according to F.I.R. role of firing was assigned to both accused at deceased.

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.

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 **Jitendra Singh** involved in Session Trial No. 108 of 2016 as well as Case Crime No. 1167 of 2015, under Sections 302/149 IPC, Police Station Auraiya, District Auraiya 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 :- 30.3.2019

A. Singh