

**Court No. - 77**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 18367 of 2019

**Applicant :-** Hari Singh

**Opposite Party :-** State Of U.P.

**Counsel for Applicant :-** Vipin Kumar

**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, Sri Mayank Mishra, learned brief holder for the State and perused the record.

According to prosecution case, the F.I.R. was lodged against five accused persons namely, Jay Singh, Ramdatt, Hari Singh, Nemwati and Ramkrapal. During investigation, charge sheet has been submitted against Jay Singh only and name of other accused persons was exonerated. Vide order dated 23.10.2018, accused Ramdatt, Hari Singh, Nemwati and Ramkripal were summoned under Section 319 Cr.P.C. by trial court.

It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. There is general allegations against the applicant. Offences levelled against the applicant are not attracted in the present case. Final report was submitted against applicant and other co-accused except co-accused Jay Singh, thereafter they were summoned under Section 319 Cr.P.C. There is no legal evidence against the applicant. Applicant was summoned by trial court without giving opportunity of hearing and cross-examination. He is languishing in jail since 8.2.2019 (more than two and half months) 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 as well as 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 **Hari Singh** involved in Session Trial No. 359 of 2016 arising out of Case Crime No. 101 of 2016,

under Sections 147, 304 IPC, Police Station Malawan, District Etah 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 :-** 30.4.2019

A. Singh