

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15523 of 2021

Applicant :- Munna

Opposite Party :- State of U.P.

Counsel for Applicant :- Jitendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Anil Kumar Ojha,J.

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

This bail application has been filed by the applicant seeking bail in Case Crime No. 647 of 2020, under Sections 147, 148, 149, 307, 504 IPC, Police Station Madnapur, District Shahjahanur, during pendency of trial.

Submission of learned counsel for the applicant is that the applicant is wholly innocent and has been falsely implicated in the present case due to ulterior motive. There is cross version of the present case and the same has taken place due to sudden provocation and both sides lodged the FIR against each other. He further submits that injured Shivpal sustained only one firearm injury and the role of firing has been assigned to co-accused Jagdish. The applicant is not allegedly fired at the injured Shivpal. He further submits that the applicant is sole bread earner of the family. There are no criminal antecedents of the applicant. The applicant is languishing in jail since 25.12.2020. In case, the applicant is released on bail, he will not misuse the liberty of bail and will co-operate in the trial by all means. There is no chance of applicant fleeing from judicial process or tampering with the witnesses, as such, he be released on bail.

Per contra, learned A.G.A. has opposed the prayer for bail but did not dispute the fact that the role of firing has not been assigned to the applicant.

Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of counsel for the parties, particularly the applicant has not been assigned the role of firing and without expressing any opinion on merits of the case, I am of the view that the applicant has made out a case for bail.

Let the applicant **Munna** be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court

concerned subject to the following conditions:-

1. The applicant will continue to attend and co-operate in the trial pending before the court concerned on the date fixed after release.
2. The applicant will not tamper with the witnesses.
3. The applicant will not indulge in any illegal activities during the bail period.

It is further directed that the identity, status and residence proof of the sureties be verified by the authorities concerned before they are accepted.

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

The bail application is accordingly **allowed**.

The party shall file computer generated copy of order downloaded from the official website of the High Court, Allahabad.

The computer generated copy of such order shall be self attested by the counsel of the parties concerned.

The concerned authority/court/official shall verify the authenticity of the computerized copy of the order from the official website of the High Court, Allahabad and shall make a declaration of such verification in writing.

Order Date :- 31.5.2021
v.k.updh.