

**Court No. - 33**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 23639 of 2020

**Applicant :-** Ratiram @ Master

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

**Counsel for Applicant :-** Rajeev Kumar Saxena, Raghuraj Singh

**Counsel for Opposite Party :-** G.A.

**Hon'ble Ashwani Kumar Mishra, J.**

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

The present bail application has been filed by the applicant Ratiram @ Master in Case Crime No. 350 of 2020, under Sections 302 & 201 IPC, Police Station Kotwali Auraiya, District - Auraiya, with the prayer to enlarge him on bail.

As per FIR version, the complainant's son had gone to his maternal uncle's place and had reportedly gone missing since 10.6.2020 and his mobile number was also reportedly switched off. Subsequently an unknown dead body was found near Village Ekraurpur. The body has been recognized by the complainant as that of her missing son. As per complainant the deceased has been murdered by Balakram @ Pappu, Ramraj @ Ajay, Khilani Devi and Ratiram.

This bail application has been filed stating that no direct or indirect evidence has been found against the applicant who has no criminal history and is about 70 years of age. It is stated that part of body has been discovered during the course of investigation on the pointing out of the co-accused Balakram and Ramraj. It is specifically stated that neither any weapon used in the crime has been recovered from the applicant nor any motive is otherwise disclosed. It is further stated that in case the applicant is enlarged on bail he shall not misuse the liberty of bail.

While entertaining the bail application, learned AGA was granted time to produce the case diary. The matter has been adjourned on different dates. Time was also granted for filing counter affidavit, but no counter affidavit has been filed till date.

Learned AGA, however, opposes the bail application on the ground that the applicant has been named in the first information report.

Having perused the materials placed on record and considering the fact that neither any direct evidence is shown to exist against the applicant nor any incriminating material has been recovered at the pointing out of the applicant who is above 70 years of age and is having no

criminal history and the trial is also likely to take sufficiently long, the applicant is entitled to grant of bail at this stage. Above observations made in the bail order shall however not be construed as expression of opinion, on the merits, at the stage of Trial.

Let the applicant- Ratiram @ Master involved in aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, with the following conditions, which are being imposed in the interest of justice:-

(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.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad. The computer generated copy of such order shall be self attested by the counsel of the party concerned.

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

**Order Date :- 30.4.2021**  
Ranjeet Sahu