

**Court No. - 76**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 8060 of 2022

**Applicant :-** Mithun

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

**Counsel for Applicant :-** Ansar Ahmad

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

**Hon'ble Subhash Chandra Sharma,J.**

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

Learned counsel for the applicant submitted that he is innocent and has falsely been implicated in the present case for causing murder of the deceased, Shiva, brother of the informant. Further submitted that the applicant took the deceased from his house at about 9.30 P.M. in the night on 18.1.2022 and made him drunk wine thereafter committed his murder by assaulting with brick and threw his dead body beside the railway line. In the morning his dead body was found and F.I.R was lodged. Further submitted that in the postmortem report, injuries were found on the person of the deceased as a result he died but no any smell of liquor was found. It falsifies the version as made in the F.I.R that this applicant made the deceased drunk and then committed murder. There is no any evidence on record to witness the applicant while committing the murder of the deceased except last seen. Nothing incriminating has been recovered at the instance of this applicant except a piece of stone which was planted by the police. He is languishing in jail since 22.1.2022 as having no any criminal antecedent and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

On the other hand, learned AGA opposed the prayer for bail.

Keeping in view the nature of the offence, evidence, complicity of the accused, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant-**Mithun**, involved in Case Crime No.09 of 2022, under Sections 302 I.P.C, P.S. Saifai, District Etawah 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 prosecution shall be at liberty to move bail cancellation application before this Court.

**Order Date :- 31.8.2022**

G.S