

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9746 of 2023

Applicant :- Hariom

Opposite Party :- State of U.P.

Counsel for Applicant :- Rohit Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

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

The instant bail application has been filed on behalf of the applicant, Hariom, with a prayer to release him on bail in **Case Crime No. 272 of 2022, under Section 306 IPC, Police Station-Dhanari, District-Sambhal**, during pendency of trial.

Learned counsel for the applicant has contended that the co-accused, Arvind. has been granted bail by this Court on 17.02.2023 in Criminal Misc. Bail Application No 2912 of 2023. The case of the applicant stands on identical footing, hence the applicant is also entitled for bail on the ground of parity for the reasons given in bail application of co-accused. The applicant is languishing in jail since 07.12.2022.

Learned AGA has opposed the prayer for bail, but does not dispute the claim of parity.

Let the applicant involved in aforesaid case be released on bail on 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 not tamper with the evidence or threaten the witnesses.

(ii) 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.

(iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.

(iv) In case the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicants fail 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.

(v) 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.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 28.2.2023

Abhishek