

**Court No. - 14**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 7681  
of 2023

**Applicant :-** Kundan Rajak

**Opposite Party :-** State Of U.P. Thru. Addl. Chief Secy. Deptt.  
Of Home Lko. And 3 Others

**Counsel for Applicant :-** Jay Prakash Singh,Hemant  
Tripathi,Vinayak Tiwari

**Counsel for Opposite Party :-** G.A.,Komal Prasad  
Tiwari,Pushkal Shukla

**Hon'ble Karunesh Singh Pawar,J.**

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

None appears for the complainant.

The present bail application has been filed by accused-applicant  
seeking bail in Case Crime No.36 of 2023, under Sections 307,  
323, 504, 506, 354 I.P.C., Section 7/8 of POCSO Act and  
Section 3/25 Arms Act, P.S. Kandhai, District Pratapgarh.

It is alleged that on 12.02.2023 in the college of the informant  
farewell function of Class XII was organized by Class XI.  
After the closure of the function at 02:15 pm while the students  
were going outside, the applicant caught hold the neck of the  
girl studying in Class XI and started dragging her. Seeing this,  
the informant scolded the applicant who was having firearm in  
both his hands and fired upon him somehow he has saved  
himself and bullet came on the wall.

Learned counsel for applicant submits that applicant has been  
falsely implicated in this case, the informant is running ten  
institutions in District Pratapgarh, he is very powerful person.  
There is no bullet recovered from the wall by the police which  
falsifies the prosecution case. The statement of the victim under  
Sections 161 & 164 Cr.P.C. are false as the allegation on the

applicant is that he was having firearms in both his hands and still was dragging the victim by holding her neck is highly improbable. Ingredients to attract Section 307 IPC are missing, the story has been concocted only to increase the gravity of the offence. Applicant is in jail since 14.02.2023. The charge-sheet in the case has been filed. Applicant undertakes to cooperate in the trial.

Learned A.G.A. has opposed the bail prayer.

On due consideration to the submissions advanced, perusal of the record as also the fact that the applicant is languishing in jail since 14.02.2023, charge-sheet in the case has been filed, applicant has no criminal history, complainant has not suffered any bullet injury so also the judgment of ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another : Criminal Appeal No.2787 of 2024***, without expressing any opinion on merits of the case, I find it to be a fit case for enlarging the applicant on bail.

Accordingly, the bail application is **allowed**.

Let the applicant ***Kundan Rajak*** be released on bail in aforesaid case crime number subject to his furnishing a personal bond and two reliable sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:

- (i) The applicant will not tamper with the evidence during the trial.
- (ii) The applicant will not pressurize/ intimidate the prosecution witness.
- (iii) 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.

(iv) 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.

(v) 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.

(vi) 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.

**Order Date :- 31.8.2024**

Saurabh Yadav/-