

Manjeet @ Vikram vs State Of U.P. on 2 January, 2025

Author: Manju Rani Chauhan

Bench: Manju Rani Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:1479

Court No. - 52

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4899 of 2024

Applicant :- Manjeet @ Vikram

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar Yadav, Jitendra Kumar, Raj Kumar Singh

Counsel for Opposite Party :- G.A., Shailesh Singh Yadav

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Heard Mr. Purushottam Dixit, Advocate holding brief of Mr. Raj Kumar Singh, learned counsel for the applicant, Mr. Mayank Awasthi, learned counsel for the State and perused the material on record.

2. The instant bail application has been filed on behalf of the applicant, Manjeet @ Vikram with a prayer to release him on bail in Case Crime No.203 of 2022, under sections 306, 498A IPC, Police Station ? Dannahar, District ? Mainpuri, during pendency of trial.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to ulterior motive. He further submits that as per the post mortem report of the deceased, cause of death due to asphyxia as a result of ante mortem hanging

and no any other internal or external injury round on the body of the deceased except the ligature mark. He further submits that there is no evidence to show that the applicant had ever abetted or create any such circumstances for the deceased leaving no option for her but to commit suicide, therefore, no offence under Section 306 IPC is made out. He further submits that the real story is that the applicant was working at Delhi and the deceased wanted to go and stay with him, hence to create pressure, she has committed suicide. The mother-in-law of the deceased, namely, Nirmala Devi has already been granted bail by this Court vide order dated 06.12.2022 passed in Cri. Misc. Bail Application No.5550 of 2022 (Nirmala Devi vs. State of U.P.), copy of which order has been annexed as Annexure No.6 of this application. Hence the applicant is also entitled for bail on the ground. Much emphasis has been laid by the counsel on the period of detention and it has been pointed out that the applicant is languishing behind the bars since 07.07.2023. He further submits that the applicant has no criminal history except the present case. In case, he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial by all means. Lastly, it is submitted that there is no chance of applicant fleeing away from judicial process or tampering with the witnesses.

4. Per contra learned A.G.A. as well as learned counsel for the informant has opposed the bail prayer of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserves any indulgence. In case the applicant is released on bail he will again indulge in similar activities and will misuse the liberty of bail. However, they could not dispute the fact that the co-accused person has already been released on bail.

5. The well-known principle of "Presumption of Innocence Unless Proven Guilty," gives rise to the concept of bail as a rule and imprisonment as an exception. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because he or she is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been reiterated by the Apex Court in Satyendra Kumar Antil Vs. Central Bureau of Investigation and another, 2022 (10) SCC 51. Learned AGA has not shown any exceptional circumstances which would warrant denial of bail to the applicant.

6. It is settled principle of law that the object of bail is to secure the attendance of the accused at the trial. No material particulars or circumstances suggestive of the applicant fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like have been shown by learned AGA for the State.

7. The object of the bail is to secure the attendance of the accused, the detention of the accused pending trial cannot be punitive in nature as there is presumption of innocence in favour of the accused person. Learned A.G.A. has not brought any facts and circumstances to demonstrate that the character of the accused-applicant(s) is such that his mere presence at large would intimidate the witness. Learned AGA for the State has not brought any fact or circumstances to indicate criminal history or antecedents of the applicant which would disentitle the applicant for Bail.

8. Considering the facts and circumstances of the case, nature of offence, evidence, complicity of the accused, the period of detention of the applicant for the alleged offence, submissions of learned counsel for the parties, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

9. Let the applicant involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of the court concerned, subject to 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 remain present before the trial court on each date fixed, either personally or through his counsel.

(iv) 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.

(v) 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.

(vi) The applicant shall not leave India without the previous permission of the Court.

(vii) In the event, the applicant changes residential address, the applicant shall inform the court concerned about new residential address in writing.

(viii) 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 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.

10. In case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

11. It is clarified that the observations, if any, made in this order are strictly confined to the disposal of the bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 2.1.2025 Jitendra/-

