

Ravi Lona vs State Of U.P. Thru. Prin. Secy. Home ... on 1 April, 2025

Author: Manish Mathur

Bench: Manish Mathur

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:17945

Court No. - 13

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5643 of 2024

Applicant :- Ravi Lona

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko

Counsel for Applicant :- Satyendra Nath Mishra,Ravindra Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for applicant, learned Additional Government Advocate appearing on behalf of State and perused the record.
2. This first bail application has been filed with regard to Case Crime No.222 of 2023 under Sections 307, 341, 504, 506 & 307/34 IPC, P.S. Karoundikala, District Sultanpur.
3. As per contents of First Information Report, the incident is said to have taken place on 15.11.2023 when three unknown persons are said to have opened fire upon the family members of informant who were traveling by motor cycle resulting in injuries to nephew and mother of the informant.

4. It has been submitted by learned counsel for applicant that he has been falsely implicated in the charges levelled against him and that he is neither named nor identified in the First Information Report and his involvement has been shown only on the basis of alleged confessional statement of one Niranjana Gautam who has been enlarged on bail by Co-ordinate Bench of this Court in Bail Application No. 735 of 2025. It is submitted that except for the aforesaid extra-judicial confessional statement, there is no direct or indirect evidence linking applicant with the crime alleged. It is submitted that applicant is under incarceration since 15.11.2023 and despite specific directions of this Court, has not been produced in Court for framing of charges. It is submitted that previous criminal history of applicant of 25 cases has already been explained in paragraph-12 of the affidavit filed in support of application.

5. Learned A.G.A. has opposed bail application with the submission that the previous criminal history of applicant clearly indicates his involvement in other cases as well under Section 307 IPC. It is, however, admitted that applicant could not be produced before the Court for framing of charges due to shortage of police personnel. It is also admitted that previous criminal history of applicant has been explained.

6. Hon'ble the Supreme Court in Sanjay Chandra v. Central Bureau of Investigation, reported in (2012) 1 SCC 40 has specifically held that bail is to be a norm and an under-trial is not required to be in jail for ever pending trial. Relevant paragraphs of the judgment are as under :-

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty."

"27. This Court, time and again, has stated that bail is the rule and committal to jail an exception. It has also observed that refusal of bail is a restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution."

7. Upon consideration of submissions advanced by learned counsel for parties, prima facie, subject to evidence being led in trial, at this stage it appears that First Information Report has been lodged against unidentified persons and applicant has been taken into custody on the basis of alleged confessional statement of one Niranjana Gautam who has already been enlarged on bail as indicated hereinabove. The applicant is under custody since 15.11.2023 without charges having been framed as yet. His previous criminal history has already been explained in the affidavit filed in support of application.

8. Considering the submissions of learned counsel for the parties, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of

the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a fit case of bail

9. Accordingly bail application is allowed.

10. Let applicant, Ravi Lona, involved in the 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.

Order Date :- 1.4.2025 Satish