

Ranjeet Kumar vs State Of U.P. Thru. Prin. Secy. Home Lko. on 31 January, 2025

Author: Rajesh Singh Chauhan

Bench: Rajesh Singh Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:6949

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 964 of 2025

Applicant :- Ranjeet Kumar

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

Counsel for Applicant :- Dhananjai Kumar Tripathi,Kajol,Tanupriya

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Dhananjay Kumar Tripathi, learned counsel for the applicant and Sri Alok Singh, learned A.G.A. for the State.
2. It has been contended by the learned counsel for the applicant that the applicant is in jail since 5.5.2023 in Case Crime no. 238 of 2023, u/s 304 IPC, P.S. Motipur, District Bahraich. It has been submitted that the applicant has been falsely implicated in this case as he has not committed any offence as alleged.

3. Attention has been drawn towards the impugned F.I.R. wherein the present applicant has been made the sole accused. The informant is real sister of the present applicant. As per allegation of the F.I.R. the present applicant assaulted his real brother (since deceased) by bamboo cane, he received serious injuries and he succumbed to such injuries. The eye witness is the mother of the deceased. Learned counsel has stated that almost all relevant and fact witnesses have been examined. The eye witness mother has turned hostile. The other / relevant witnesses have not supported the prosecution version. The complainant / sister of the applicant has reiterated the prosecution story while recording her evidence. Learned counsel for the applicant has, therefore, submitted that almost fact / relevant witnesses have been examined, most of them have not supported the prosecution version. The eye witness, the mother, has turned hostile, therefore, considering the period of incarceration of the applicant, he may be enlarged on bail. The applicant has no prior criminal history.

4. The learned counsel for the applicant has given an undertaking on behalf of applicant that the applicant shall not misuse the liberty of bail and shall cooperate with the trial proceedings and shall abide by all terms and conditions of bail, if granted.

5. Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

6. Without entering into the merits of the case and considering the arguments of learned counsel for the parties, contents and allegations of the F.I.R., the fact that in F.I.R. present applicant has been made the sole accused, the eye witness is the mother of the deceased, the eye witness mother has turned hostile, other / relevant witnesses have not supported the prosecution version, almost fact / relevant witnesses have been examined, most of them have not supported the prosecution version, applicant has no prior criminal history and the undertaking given on behalf of the applicant that he shall not misuse the liberty of bail and shall cooperate in the trial proceedings, the applicant is entitled to be released on bail in this case.

7. Bail application is allowed.

8. Let the applicant Ranjeet Kumar, involved in 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. may be issued and if 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.

(v) The applicant shall not leave the country without permission of the Court concerned.

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(Rajesh Singh Chauhan, J.) Order Date :- 31.1.2025 Om