

# **Ajay Sharma Alias Ajju Pandit vs State Of U.P. on 2 January, 2025**

**Author: Shekhar Kumar Yadav**

**Bench: Shekhar Kumar Yadav**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:64

Court No. - 35

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38490 of 2024

Applicant :- Ajay Sharma Alias Ajju Pandit

Opposite Party :- State of U.P.

Counsel for Applicant :- Sunil Kumar

Counsel for Opposite Party :- G.A.,Rajendra Kumar Yadav

Hon'ble Shekhar Kumar Yadav,J.

1. Counter affidavit has been filed on behalf of the State today in the Court, the same is taken on record.
2. Heard Sri Sunil Kumar, learned counsel for the applicant, Sri Rajendra Kumar Yadav, learned counsel for the informant and learned AGA for the State as well as perused the record.
3. By means of this application, the applicant is seeking enlargement on bail in Case Crime No.184 of 2024, under Sections 302, 341, 34, 120-B IPC, Police Station- Ecotech-3, District- Gautambudh Nagar.

4. As per prosecution story, it is alleged that the informant lodged the impugned FIR on 14.5.2024 against the applicant and two other accused-applicant alleging therein that on 1.5.2024 at about 10:15 pm, his nephew/deceased went for filling of CNG Gas at pump situated near Balika Inter College, where some persons in a vehicle number UP 16 DT 2855 are said to have assaulted him and said that he is Ajay alias Pandit, and further said that "You don't know me yet, I will put your mind in order, just get some gas poured, I will tell you." Saying this he called two more person at the Pump, one of them came out of the pump on a scooty and one on a Bullet motor cycle. It is further alleged one Abhishek then called the informant and told him to come quickly as three people were beating Aman Bhai. It is further alleged that at the time of incident, the informant was also nearby and he drove the car fastly and went to the pump and saw that Aman was lying unconscious. It is further alleged that the informant and others took him to Saini Hospital where he was given an injection and thereafter he was referred to Yatharth Hospital, where the doctor declared him dead during treatment.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case on false and fabricated facts. He submits that the applicant has not committed any offence as alleged in the impugned FIR. There is no evidence against the accused even in the footage of CCTV cameras installed at the CNG pump. He submits that no statement was given regarding the presence of accused on the spot by any of the witnesses. There are contradictions in the statements of the witnesses produced by the police. He further submits that the applicant did not have any role whatsoever in the alleged murder of the victim and did not at any point of time share the common intention with the main accused to murder the victim. He further submits that only one injury, out of the three injuries, to deceased was said to be fatal, but no role of present applicant has been shown and he has been charge sheeted because of the common intention, but what was the common intention to murder has not been disclosed. He submits that co-accused, Rishabh Bhati, who has already been granted bail by this Court vide order dated 23.8.2024 in Criminal Misc. Bail Application No.31008 of 2024. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required. He submitted that the applicant is languishing in jail since 14.5.2024 having no previous criminal history.

6. On the other hand, learned counsel for the informant as well as learned AGA have opposed the application for bail but could not dispute the submission raised by learned counsel for the applicant.

7. Upon hearing learned counsel for the parties, perusal of record and considering the complicity of accused, severity of punishment as well as totality of facts and circumstances, at this stage without commenting on the merits of the case, I find it a fit case for bail.

8. Let the applicant- Ajay Sharma Alias Ajju Pandit, who is involved in aforementioned 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 subject to following conditions. Further, before issuing the

release order, the sureties be verified.

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date 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 IPC.

(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 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 IPC.

(iv) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) 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 Trial Court may make all possible efforts/endeavour and try to conclude the trial within a period of one year after the release of the applicant.

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

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

11. With the aforesaid observations/ directions, the application is allowed.

Order Date :- 2.1.2025 // Krishna\*