

## Satendra Singh vs State Of U.P. on 2 January, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:287

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46906 of 2024

Applicant :- Satendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ranu Yadav, Sudhakar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Sri Dwijendra Prasad, learned Advocate submits, today he filed his power on behalf of the informant in the Registry of this Court, therefore, his name is not shown in the cause list. However, he submits, he is ready to argue the case.
2. Heard Sri Sudhakar Yadav, learned counsel for the applicant, Sri Dwijendra Prasad, learned counsel for the informant and Dr. S.B. Maurya, learned AGA-I for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 126 of 2024, under Section 306 IPC, Police Station Khair, District Aligarh during pendency of the trial.
4. FIR of the present case was lodged on 18.03.2024 through an application under Section 156(3) Cr.P.C. dated 12.02.2024 and according to the FIR on 25.01.2024 applicant and other accused persons forcibly administered some poisonous substance to the brother of the informant due to which he died.

5. Learned counsel for the applicant submits, however, initially FIR was lodged under Section 302 IPC but during investigation case was converted under Section 306 IPC. He further submits, there is no cogent evidence of abatement against the applicant on record.
6. He further submits, FIR of the present case was lodged after about two months through an application under Section 156(3) Cr.P.C. and even application under Section 156(3) Cr.P.C. was moved after about three weeks, therefore, there is inordinate delay in lodging the FIR.
7. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 21.09.2024.
8. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail but could not dispute the fact that FIR of the present case was lodged after about two months through an application under Section 156(3) Cr.P.C. and even application under Section 156(3) Cr.P.C. was moved after three weeks.
9. They further could not dispute the fact that initially FIR of the present case was lodged under Section 302 IPC but during investigation case was converted under Section 306 IPC and there is no cogent evidence of abatement against the applicant on record.
10. I have heard learned counsel for the parties and perused the record of the case.
11. However, it reflects that initially FIR of the present case was lodged under Section 302 IPC but subsequently case was converted under Section 306 IPC and from the record, it reflects, there is no cogent evidence of abatement against the applicant on record.
12. Further, FIR of the present case was lodged after about two months through an application under Section 156(3) Cr.P.C. and even application under Section 156(3) Cr.P.C. was moved after about three weeks, therefore, there is inordinate delay in lodging the FIR.
13. Further, applicant is not having any criminal history and in the present matter he is in jail since 21.09.2024.
14. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.
15. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.
16. Let the applicant - Satendra Singh be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

17. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

18. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 2.1.2025 AK Pandey