

Rohan vs State Of U.P. on 18 March, 2025

Author: Siddharth

Bench: Siddharth

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:39012

Court No. - 47

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45670 of 2024

Applicant :- Rohan

Opposite Party :- State of U.P.

Counsel for Applicant :- Pranshu Gupta, Shivam Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth, J.

Order on Criminal Misc. Amendment Application No. 01 of 2025 Amendment application is allowed.

Counsel for the applicant may carry out necessary amendment in the application within the course of day.

Order on Criminal Misc. Bail Application The applicant was granted short term bail by the coordinate Bench of this court on 07.02.2025 by the following order :-

"In Re.: Criminal Misc. Short Term Bail (Parole) Application No. 03 of 2025:

1. Heard learned counsel for the parties and Shri Punit Kumar Singh, learned A.G.A. for the State-respondents and perused the record.

2. The instant short term (parole) application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, read with Chapter XVIII Rule 1 of the Rules of the

Court, 1952, has been moved on behalf of accused-applicant, Rohan s/o Shri Rakesh, seeking enlargement on parole in Case Crime No. 693 of 2024, under Sections 109(1), 3(5), 318(4), 336(3), 338, 340(2), 61(2)(a) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3, 5, 25(8), 27 of the Arms Act, 1959, Police Station -Kankerhera, District - Meerut.

3. Learned Counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 24.11.2024. Learned counsel for the applicant further submits that engagement and marriage ceremony of applicant herein is scheduled to be held on 10.02.2025 and 20.02.2025, respectively and photocopy of the wedding card of the applicant is annexed as Annexure No. 1 with the parole application. Learned counsel also submits that applicant may be permitted to appear in his engagement and marriage, which is scheduled to be held on 10.02.2025 and 20.02.2025, respectively, as is evident from the wedding card.

4. On 4.2.2025, this Court had asked learned AGA to seek instructions and in compliance thereof learned A.G.A. has verified the authenticity of the short term bail application as well as aforesaid wedding card, which is found to be correct.

5. Considering the submissions made by learned counsel for the parties and the fact that engagement and marriage of accused-applicant herein is scheduled to be held on 10.02.2025 and 20.02.2025, therefore, the prayer for short term bail is allowed.

6. Let the applicant-Rohan be released on short term bail (parole) in the aforesaid case crime number since 09.02.2025 to 23.02.2025, on executing personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned/Duty Magistrate concerned and he will surrender before the Chief Judicial Magistrate concerned on 24.02.2025 and shall be sent back to jail.

7. The Registrar (Compliance) is directed to inform the order to all concerned to ensure compliance of order today itself.

8. The party shall file computer generated copy of this order downloaded from the official website of High Court, Allahabad. The computer generated copy of this order shall be self attested by counsel of the party concerned.

9. The concerned Authority shall verify the authenticity of this computerized copy of the order from the official website of High Court, Allahabad, and shall make a declaration of such verification in writing.

Order on Criminal Misc. Bail Application:

10. Put up the bail application on 07.03.2025, as fresh, i.e. already fixed along with surrender certificate, which is to be produced before this Court by the learned counsel for the applicant. "

Learned A.G.A has filed a compliance affidavit but there is nothing which shows that the authenticity of wedding card whereof was required to be ascertained has been made.

Learned counsel for the applicant submits that after the short term bail was granted to the applicant and it could not be extended. He has surrendered and is now in jail.

There are allegations against the applicant that on his pointing out recovery of illicit arms were made from a vehicle. Other accused were also implicated in this case on the confessional statement of applicant.

Counsel for the applicant alleges false implication of applicant on the basis of planted recovery by police. Applicant is in jail since 24.11.2024 and has no previous criminal antecedents.

Learned A.G.A has opposed the prayer for bail.

Applicant, Rohan, is directed to be enlarged on bail in Case Crime No. 693 of 2024, under Sections- 109(1), 3(5), 318(4), 336(3), 338, 340(2), 61(2)(a) of Bhartiya Nyaya Sanhita, 2023 and Section 3, 5, 25(8), 27 of Arms Act, 1959, Police Station- Kankerkhara, District- Meerut on following terms and conditions :-

- (i) The applicant shall not tamper with the evidence or threaten the witnesses.
- (ii) 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.
- (iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.
- (iv) 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.

(v) 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.

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

Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 18.3.2025 Rohit