

Chaman Singh vs State Of U.P. on 7 April, 2023

Author: Raj Beer Singh

Bench: Raj Beer Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 77

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50036 of 2022

Applicant :- Chaman Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Ojha,Irshad Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

Heard learned counsel for the applicant-accused, learned A.G.A. for the State and perused the record.

The present bail application has been filed by the applicant-accused in S.T. No.584 of 2022, arising out of case crime No.175 of 2022, under Sections 120(B), 364, 302, 201 IPC, police station Gajraula, District Amroha with the prayer to enlarge the applicant-accused on bail.

It has been argued by learned counsel for the applicant-accused that applicant-accused is innocent and he has been falsely implicated in this case. The applicant is not named in first information report. As per prosecution version, the deceased child was kidnapped by co-accused Madan Chauhan and Vipin and that dead body of deceased child was also recovered at the instance of co-accused Madan Chauhan. The allegation that applicant and his wife have suggested their son-in-law namely, Madan Chauhan that he would be blessed with a child if he sacrifices a child before

Chamunda Devi, is thoroughly false. The involvement of applicant and his wife Smt. Kusum has been shown on the basis of statement of co-accused Madan Chauhan. Except statement the co-accused, there is no other evidence against the applicant. It is further submitted that similarly placed co-accused Smt. Kusum Devi @ Bala, who is wife of applicant, has already been enlarged on bail by co-ordinate Bench of this Court. It was further submitted that role of kidnapping and causing death of deceased child has been assigned to co-accused Madan Chauhan and Vipin Chauhan. Co-accused Pinki, who is wife of co-accused Madan Chauhan, and co-accused Happoo have already been granted bail by the co-ordinate Bench of this Court. Lastly, it has been submitted that the applicant-accused is languishing in jail since 12.09.2022, having no criminal history, and that in case the applicant-accused is released on bail, he will not misuse the liberty of bail and will co-operate in trial.

Learned A.G.A. has opposed the prayer for bail, however, it could not be disputed that similarly placed co-accused have already been granted bail.

Considering the submissions of learned counsel for the parties, nature of accusations, period of custody and all attending facts and circumstances of the case, without expressing any opinion on the merits of the case, the Court is of the view that a case for bail is made out. Hence, the bail application is hereby allowed.

Let the applicant-accused Chaman Singh involved in aforesaid crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:

1. The applicant-accused shall not tamper with the evidence during the trial.
2. The applicant-accused shall not pressurize/ intimidate the prosecution witness.
3. The applicant-accused shall appear before the trial court on the date fixed, unless personal presence is exempted.
4. The applicant-accused shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
5. The applicant-accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

In case of breach of any of the above condition, the Court concerned shall be at liberty to cancel bail of applicant-accused in accordance with law.

Order Date :- 7.4.2023 Neeraj