

Pramod vs State Of U.P. on 16 August, 2021

Author: Raj Beer Singh

Bench: Raj Beer Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 53

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7700 of 2020

Applicant :- Pramod

Opposite Party :- State of U.P.

Counsel for Applicant :- Kuldeep Kumar, Noor Mohammad, Sunil Kumar Gaur

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh, J.

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

The present second bail application has been filed by the applicant in case crime No. 49 of 2016, under Sections 302, 393, 120-B IPC, P.S. Shahganj, District Agra, with the prayer to enlarge him on bail.

It has been argued by the learned counsel for the applicant that in the first information report, specific role of firing has not been assigned to applicant and that co-accused Virendra Singh was also apprehended with applicant and said Virendra Singh and Gola Baghel have already been granted bail by co-ordinate Bench of this Court vide order dated 07.03.2019 and 19.07.2017, passed in Criminal Misc. Bail Application No. 18073 of 2018 and 23594 of 2016. It has been submitted that first bail application of applicant was rejected on 09.07.2019 and after that no progress in trial has been made. Learned counsel submitted that now the applicant is in judicial custody for the last

about five years and that no charge has been framed so far.

Learned counsel has referred the case of Devanand @ Chotu Sharma vs. State of Uttar Pradesh & Anr., Harishankar Pandey vs. State of U.P. and T.S. Muthuraju Etc. vs. Honnaiah T.H. & Anr, and submitted that in the above referred case of Harishankar Pandey (supra) the accused was in custody for three years and that case relates to murder of three persons but the accused was granted bail by the Hon'ble Apex Court and thus, similar parity may also be applied in this case. Lastly, it has been submitted that the applicant is languishing in jail since 14.01.2016, having no criminal history and that in case the applicant is released on bail, he will not misuse the liberty of bail and cooperate in the trial.

Learned A.G.A. has opposed the prayer for bail and argued that first bail application of applicant was rejected on merits vide order dated 09.07.2019 and that after that for sufficiently long period, the Courts have not functioned properly due to Covid-19 Pandemic. It was submitted that this case relates to the incident, wherein, murder was committed in order to commit robbery and that applicant was apprehended by the public persons at the spot and weapon of offence, used in the incident, was recovered from him.

Perusal of record shows that the first bail application of the applicant was rejected on 09.07.2019 on merits. This fact cannot be lost sight of that in the year 2020 Courts have not functioned for sufficiently long time due to Covid-19 Pandemic. The case laws, relied by the learned counsel for the applicant, are not applicable in the specific facts and circumstances of the case. No new ground for entertaining this second bail application is made out. Hence, the second bail application of applicant Pramod is hereby rejected.

However, keeping in view period of incarceration of applicant, the trial court is directed to expedite the trial and to decide the same preferably within a period of one year from the date of filing of certified copy of this order, if there is no other legal impediment.

Order Date :- 16.8.2021/A. Tripathi