

Court No. - 53

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25300 of 2020

Applicant :- Sanjay Kumar @ Sanjay Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Janardan Prasad Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Om Prakash-VII,J.

Exemption application is allowed.

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

It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. He has not committed the present offence. Marriage between the deceased and applicant was solemnized way back 25 years. Since she was suffering from epilepsy and was issue-less, applicant married with another girl. Initially in this matter, information was given to the police station concerned by an employee of Railway Department regarding the dead body, thereafter, inquest report was prepared then F.I.R. was lodged. Informant is not eye account witness. Even the witnesses who have stated that they had seen the deceased and applicant going together towards the railway line are not eye account witnesses of the incident. If entire prosecution case is taken into consideration then also it is a case of last seen evidence. Chain of circumstantial evidence is not linked with each other to form an irresistible conclusion against the applicant. Referring to the entire facts and circumstances of the case and evidence, it is further submitted that applicant is in jail since 04.03.2020 and having no criminal history. In case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

On the other hand, learned AGA opposed the prayer for bail.

Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant **Sanjay Kumar @ Sanjay Singh** involved in Case Crime No. 340 of 2019, under Sections 302 IPC, P.S. Patiyali, District - Kasganj be released on bail on furnishing a personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will not tamper with the evidence during the trial.
2. The applicant will not pressurize/ intimidate the prosecution witness.
3. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
4. The applicant 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 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 him 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 conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

The party shall file computer generated copy of this order downloaded from the official website of High Court, Allahabad. The concerned Court / Authority / Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 28.9.2020
Sanjeet