

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46458 of 2020

Applicant :- Manoj @ Man Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Pramod Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Kumar Singh,J.

Counter affidavit filed today by learned A.G.A. on behalf of the State is taken on record.

Heard Sri Pramod Shukla, learned counsel for the applicant, Sri Sanjay Singh, learned AGA- I, for the State and perused the material brought on record.

It is contended by learned counsel for the applicant that applicant is innocent and has been falsely implicated in the present case due to enmity. It is next contended that it is a cross case in which both sides have received injuries and at this stage it cannot be said as to who was aggressor and the incident had taken place at the spur of the moment. It is next contended that general role of physical assault has been assigned to all the applicant/accused persons. It is further contended that no specific role has been assigned to the applicant. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused has also been touched upon at length. It is further submitted that applicant has no previous criminal history and there is also no possibility of applicant either fleeing away from the judicial process or tampering with the witnesses. Applicant is in jail since 10.09.2020, and undertakes that he will not misuse the liberty, if granted.

Learned A.G.A. has vehemently opposed the bail prayer of the applicant without disputing the aforesaid submissions of the learned counsel for the applicant and submitted that in case applicant is released on bail he will misuse the liberty of bail.

Considering the facts and circumstances of the case, nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, *reformatory theory of punishment*, and larger mandate of the Article 21 of the Constitution of India, the dictum of Apex Court in the case of **Dataram Singh v. State of U.P. and another, reported in (2018) 2 SCC 22** and without expressing any opinion on the merit of the case, I find it to be a case of bail.

Let applicant- Manoj alias Man Singh, be released on bail in Case Crime No. 560 of 2020, under Sections - 307, 506 IPC, Police Station- Gulawathi, District- Bulandshahar, 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 will attend and co-operate the trial proceedings pending

before the court concerned on the date fixed after release.

2. He will not tamper with the witnesses.

3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 19.3.2021

ssm