

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 59616 of 2022

Applicant :- Manjeet Alias Pintoo

Opposite Party :- State of U.P.

Counsel for Applicant :- Saksham Srivastava, Veerendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No.144 of 2018 at Police Station-Asmoli, District-Sambhal, under Sections 363 and 366 IPC. The applicant is in jail since 24.11.2019.

The bail application of the applicant was rejected by the learned District & Sessions Judge, Sambhal on 03.11.2022.

The following arguments made by Shri Veerendra Singh, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Sunil Kumar Srivastava learned AGA from the record, entitle the applicant for grant of bail:

- (1). The applicant and the victim were intimate.
- (2). The FIR is a result of opposition of the victim's family members to the said relationship.
- (3). The victim in her statement under Section 164 Cr.P.C. has asserted that she had left the house because of domestic discord.
- (4). No allegation of abduction or inappropriate behaviour by the victim in her statement under Section

164 Cr.P.C.

(5). Explaining the criminal history of the applicant it is contended that the applicant belongs to poor economic strata of the society and is a convenient scapegoat for the police authorities. The applicant has been falsely nominated in the said cases only to burnish the credentials of the police authorities. The said cases do not depict commission of any heinous offence and have no bearing on the instant bail application.

(6). The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Manjeet Alias Pinto be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Before parting it will be appropriate to notice the submission of Shri Veerendra Singh, learned counsel for the applicant which was made at the start of the argument.

Shri Veerendra Singh, learned counsel for the applicant contends that the applicant belongs to the economically poor strata of the society. It is submitted that the applicant is in jail for more than three years as he did not have access to legal aid & he is financially destitute. This Court noticed that a large number of under trial prisoners are not able to file timely bail applications as they are poor or abandoned by their family members. Directions have already been issued in this regard by this Court in Criminal Misc. Bail Application No. 16961 of 2022 (Anil Gaur @ Sonu @ Sonu Tomar Vs. State of U.P).

In this case it is evident from the case of the prosecution that there was no incriminating evidence against the applicant since the victim had not made any allegation of abduction or inappropriate behaviour against the applicant. However the applicant was confined in jail for more than three years due to his destitute circumstances and lack of access to legal aid.

Secretary, Uttar Pradesh State Legal Services Authority shall enquire into the matter and see if there was any non compliance of orders passed by this Court in Anil Gaur (supra) in the failure to provide legal aid. The Secretary, Uttar Pradesh State Legal Services Authority

shall also take appropriate measures to ensure compliance of the order of this Court in Anil Gaur (supra).

A copy of this order shall be communicated to Secretary, Uttar Pradesh State Legal Services Authority by the learned Government Advocate.

Order Date :- 12.1.2023

A.N. Mishra