

**Court No. - 10**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 5796  
of 2021

**Applicant :-** Manjeet Yadav

**Opposite Party :-** State Of U.P. Thru. C.B.I.

**Counsel for Applicant :-** Atul Verma

**Counsel for Opposite Party :-** Anurag Kumar Singh

**Hon'ble Dinesh Kumar Singh,J.**

1. Heard Mr. Atul Verma, learned counsel for the accused-applicant, as well as Mr. Anurag Kumar Singh, learned for the respondent - CBI, and gone through the entire record.

2. By means of this application under Section 439 CrPC, the accused-applicant seeks bail in RC-2(S)/2013/CBI/SC-1/New Delhi, under Sections 302, 147, 148, 323, 332, 353, 506 201 read with 149 IPC lodged at Police Station Hathigawan, District Pratapgarh.

3. Allegation against the accused-applicant and co-accused is of killing a public servant, Dy. S.P., Mr. Jiya-ul-haq on 02.03.2013 who went to village of the accused in respect of crime; the deceased, public servant was allegedly assaulted by the accused-applicant and co-accused by *lathi* and *danda*; on pointing out of the accused-applicant, hockey stick was recovered, which was having human blood stains; the accused-applicant has been in jail for more than nine years from the date of his arrest; the prosecution has concluded the evidence of its witnesses; after recording statement of the accused-applicant under Section 313 CrPC the defence witnesses are being examined; all together five defence witnesses have already been examined.

4. On behalf of the accused-applicant, it is submitted that co-accused have been granted bail by this Court; they have identical role as of the accused-applicant; the accused-applicant has no criminal history except the present case. It is also submitted that the accused-applicant shall cooperate in the trial and shall not adopt any tactic to delay the trial; this Court may impose any term/condition as it may deem fit and proper in the facts and circumstances of the case, however, it would be expedient to enlarge the accused-applicant on bail to prepare his defence and considering long incarceration of the accused-applicant in jail, he is otherwise entitled to be released on bail.

5. Learned counsel for the respondent - CBI has opposed the

bail and submitted that the accused-applicant and co-accused not only interfered in the public functions but they mercilessly assaulted the deceased, Dy. S.P., Jiya-ul-haq and killed him; there is no delay in conclusion of the trial and it is the accused who are delaying the trial and they have submitted a list of 13 witnesses to be examined as defence; they have given names of those persons, who were not posted. It is further submitted that the accused-applicant wants to delay the trial unnecessarily and now he is complaining that the trial could not have been concluded within 9 years.

6. I have considered the submissions advanced by the learned counsel for the parties.

7. Considering the long incarceration of the accused-applicant in jail and the fact that there is no previous criminal history of the accused-applicant except the present case, the trial is almost complete where defence witnesses are being examined, this Court deems it appropriate to enlarge the accused-applicant on bail.

8. Let applicant-**Manjeet Yadav**, accused of above-mentioned FIR/crime number, be released on bail on **his** furnishing a personal bond and two local and reliable sureties each in the like amount to the satisfaction of the Court concerned with the following conditions, which are imposed in the interest of justice:-

(i) the applicant(s) shall file an undertaking to the effect that **he** shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law;

(ii). the applicant(s) shall remain present before the trial court on each date fixed, either personally or through **his** counsel. In case of **his** absence, without sufficient cause, the trial court may proceed against **him** under Section 229-A of the Indian Penal Code;

(iii). in case, the applicant(s) misuse(s) the liberty of bail and in order to secure **his** presence proclamation under Section 82 Cr.P.C. is issued and the applicant(s) fail(s) to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against **him** in accordance with law, under Section 174-A of the Indian Penal Code; and

(iv) the applicant(s) shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of **his** bail and proceed against **him** in accordance with law.

**Order Date :- 28.11.2022MVS/-**