

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5674 of 2023

Applicant :- Ajay Pal

Opposite Party :- State of U.P.

Counsel for Applicant :- Ramesh Chandra Yadav,Imaran Ahmad,Praveen Kumar Sharma,Shams Uz Zaman,Yogendra Kumar

Counsel for Opposite Party :- G.A.,Mohammad Sadab Khan,Vivek Kumar Pal

Hon'ble Vivek Varma,J.

1. Case diary produced by Sri Nagendra Kumar Mishra, learned brief holder for the State is taken on record.
2. Heard counsel for the applicant, counsel for the informant and learned brief holder for the State-respondent.
3. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 393 of 2020 under Sections 420 and 406 of I.P.C., Police Station- Kalpi, District- Jalaun, during pendency of the trial.
4. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicant purchased a truck on hire purchase basis. When the applicant defaulted in payment of installments, he entered into an agreement with the informant and the truck was handed over to the informant. The informant was required to deposit the rest of the installments. The informant also defaulted in payment of installments. Consequently, the truck was forcibly taken by the finance company. The applicant is in jail since 06.01.2023, having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned brief holder for the State and counsel for the State have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that at this stage, there is no substantive evidence against the applicant. Further, the applicant has no criminal antecedents and has been remained confined for almost eleven months and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or

intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Ajay Pal**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 4.12.2023
Sachin Mishra