Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8248 of 2023

Applicant :- Vikki
Opposite Party :- State of U.P.
Counsel for Applicant :- Sudhir Kumar Tiwari
Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant and Sri V.P. Tripathi, learned AGA for the State-respondent.

2. The present bail application has been filed by the applicant to enlarge him on bail in Special Case No. 163 of 2008 arising out of Case Crime No. 1026 of 2007, under Sections 307, 324 I.P.C. and under Section 2/3 U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station Baradari, District Bareilly during the pendency of trial.

3. Counsel for the applicant submits that earlier the applicant was granted bail by this Court on 29.8.2007 passed in Criminal Misc. Bail Application No. 17579 of 2007. Though, the applicant participated in the trial for considerable period, the trial could not conclude and at the same time due to unavoidable reasons the applicant could not appear before the court concerned. Consequently, coercive measures were issued. On 3.8.2022, the applicant surrendered before the trial Court and since then he is in jail. Learned counsel for the applicant on the basis of instructions submits that if the applicant is enlarged on bail, he shall appear regularly before the trial court and shall not leave the station without permission of the court concerned.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant had earlier appeared and contested the proceedings, however, the trial could not conclude and further the applicant has presently remained confined for more than one year and three months and there is no hope of early conclusion of trial, more so when 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 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.

6. Let the applicant- **Vikki** involved in the aforesaid case be released on bail on his furnishing a personal bond and two **heavy** sureties each in the like amount to the satisfaction of the court concerned subject to conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses; and,

(iv) shall not leave the district without the leave of the trial Court.

7. 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 :- 20.11.2023
S.S.

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad