

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 16383 of 2023

Applicant :- Deepak Bari

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjai Kumar Pandey, Sandeep Maniji Bakhshi

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Supplementary affidavit filed by the counsel of the applicant, is taken on record.
2. Heard counsel for the applicant and learned AGA 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. Nil of 2012, under Sections 41, 411, 413, 419, 420, 467, 468 I.P.C. and Section 7 Criminal Law Amendment Act, Police Station- Shohratgarh, District- Siddharth Nagar, during pendency of the trial.
4. Counsel for the applicant submits that earlier the applicant was granted bail by the trial Court on 24.07.2012. 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 on the certain dates. Consequently, non-bailable warrant was issued on 30.05.2022. The applicant was apprehended again on 17.01.2023 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.
5. Learned A.G.A. has 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 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 nine 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.

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

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;

(iv) **shall not leave district without the leave of the trial court;**

(v) **shall appear on the first Sunday of every month at the Police Station concerned;**

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 :- 27.10.2023

Ruhi H.