

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 17562 of 2023

Applicant :- Suraj Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Virendra Singh Parmar, Arvind Singh Parmar

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard counsel for the applicant and learned AGA for the State.
2. 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.447 of 2022, under Sections 420, 467, 468, 471 I.P.C. 66C & 66D I.T. Act, Police Station- Dhampur, District- Bijnor, during pendency of the trial.
3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The mode of transaction of the alleged amount has not been disclosed in the First Information Report nor in the statement of the informant. It is contended that the applicant had not taken any amount from the informant on the pretext of providing job. No amount has been credited in the account of the applicant. The applicant is not a beneficiary of the illicit transaction. At present, there is no evidence to link the applicant with the offence. It is next contended that the co-accused Ankit Tripathi has been granted bail by this Court vide order dated 12.05.2023 passed in Criminal Misc. Bail Application No. 19303 of 2023. Prior to the instant case the applicant does not have any criminal history except the present one. The applicant is in jail since 04.01.2023 and in case he is released on bail, he will not misuse the said liberty.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid facts from the record.
5. Having heard learned counsel for the parties and having perused the record this Court prima facie finds that the mode of transaction has not been disclosed in the First Information Report nor in the statement of the informant. No amount has been credited in the

account of the applicant. At present there is no substantive evidence against the applicant. Further, the applicant has remained confined for almost ten months and after submission of the charge-sheet 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 delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant-**Suraj Kumar**, 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; and,
- iii. the applicant shall appear on each and every date fixed by 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 :- 27.10.2023

Ruhi H.