

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 20128 of 2023

Applicant :- Srijan Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Suraj Kumar Singh, Ankit Kapoor, Atharva Dixit, Pradeep Kumar Mishra, Prashant Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard counsel for the applicant, counsel for the informant and Sri V.P. Tripathi, learned AGA for the State-opposite party.
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. 421 of 2022, under Sections 307 and 506 of I.P.C., Police Station- Bhelupur, District- Varanasi, during the pendency of trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the instant case. No prior enmity exists between the applicant and the informant. It is a case of road accident. As per the C.C.T.V. footage, the applicant was not seen driving the Thar vehicle. In fact, it was driven by one Rajesh Kumar Singh, who has submitted an application before the Investigating Officer during the pendency of the investigation. The applicant is aged 22 years and has completed his graduation in Bachelor of Business Administration (B.B.A) and is pursuing for higher studies. His career will be jeopardized as the result of the instant case. The applicant is in jail since 11.04.2023, having no criminal history and in case, he is enlarged on bail, he will not misuse the said liberty.
4. Learned counsel for the informant does not dispute the aforesaid submissions raised by the counsel for the applicant and submits that the informant has no objection if bail is granted to the applicant.
5. Learned AGA has, however, 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 as per the C.C.T.V. footage, the applicant was not seen driving the Thar vehicle. As such, at this

stage, the presence of the applicant in the said vehicle appears to be doubtful. Further, the applicant has no criminal antecedents and has remained confined for more than seven 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.

7. Let the applicant **Srijan Singh**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the 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.

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