

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 23888 of 2023

Applicant :- Dinesh Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Jitendra Kumar Yadav, Manoj Kumar Gupta, Raghuvansh Misra

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard counsel for the applicant, learned A.G.A. for the State-opposite party and perused the record.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 95 of 2023 under Sections 411, 413, 414, 420, 467 and 471 I.P.C., Police Station- Ram Chandra Mission, District-Shahjahanpur, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. False recovery of motorcycles has been shown from the joint possession of the applicant and five other co-accused. There is no independent witness to the alleged recovery. The applicant had not tampered the number plates of the vehicles. It is next contended that identically placed co-accused, Iqbal @ Bablu, has been granted bail by this Court in Criminal Misc. Bail Application No. 29228 of 2023 vide order dated 19.07.2023. The applicant claims parity. The criminal history of the applicant has been explained in para no. 11 of the bail application. The applicant is in jail since 29.03.2023. In case he is enlarged 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 submissions from the record.
5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that there is no independent witness to the recovery. Identically placed co-accused, Iqbal @ Bablu, has been granted bail by this Court. Further, the applicant has remained confined for more than eight 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.

6. Let the applicant- **Dinesh Yadav**, involved in aforesaid case 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.

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 :- 8.12.2023

Aditya