

Court No. - 71

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 27771 of 2023

Applicant :- Vipin Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Anjani Kumar Tripathi, Kedar Nath Mishra, Maruti Kumar Tripathi, Rajani Kant Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav, J.

1. Heard learned counsel for the applicant and learned Additional Government Advocate for the State.

2. The present bail application has been filed on behalf of the applicant in Case Crime No.926 of 2022, under Sections 419, 420, 467, 468, 471, 504, 506 I.P.C., P.S.- Cant, District-Gorakhpur, with the prayer to enlarge him on bail.

3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case. The present FIR has been lodged against 11 other persons including the applicant. He submitted that there is a land dispute where the Lekhpal has submitted the report before the Tehseildar showing separate share of all the parties. He submitted that matter relates to civil suit and the present FIR has been lodged just to harass the applicant. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required. The applicant is in jail since 16.5.2023.

4. Learned A.G.A has, however, opposed the prayer for grant of bail but he has not disputed the above contention made by the learned counsel for the applicant.

5. Considering the facts and circumstances of the case,

perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail.

6. Let applicant- **Vipin Kumar**, be released on bail in the aforesaid F.I.R./case crime number on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned subject to following additional conditions, which are being imposed in the interest of justice:-

(1) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(2) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

(3) The applicant will not tamper with the prosecution witnesses.

(4) The applicant will not indulge in any illegal activities during the period of bail.

(5) In case of breach of any of the above conditions, the trial court would be at liberty to cancel the bail of the applicant.

Order Date :- 16.10.2023

Krishna*