

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 29817 of 2023

Applicant :- Manish Negi

Opposite Party :- State of U.P.

Counsel for Applicant :- A.C.Srivastava, Vinod Kumar Tripathi

Counsel for Opposite Party :- G.A., Swetashwa Agarwal

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned counsel for the informant as well as learned A.G.A. for the State of U.P. and perused the record.

2. The instant bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 612 of 2022, under Section 386, 387, 323, 506, 120-B I.P.C. Police Station Sihani Gate, District Ghaziabad, during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant is not named in the F.I.R. The applicant has only been assigned role in the first episode/occurrence dated 12.7.2022 that he was accompanying the main accused Sampura Nand @ Kale Aneja and other accused Yogesh. It is contended that no amount has been delivered in furtherance of extortion to any of the accused. In the another episode which occurred on 22.09.2022, the applicant has not been named or involved. There is statement of one Sanjeev Tyagi, wherein he has stated that there was dispute regarding business transaction between the co-accused Sampuran Nand and the informant, as a result of which the alleged incident has taken place, the applicant has no concern with the co-accused or the informant, he hails to a different district. It is next contended that the applicant has no criminal history, he is in jail since 06.02.2023 and in case he is released on bail, he will not misuse the liberty.

4. Learned counsel for the informant and learned A.G.A. have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Considering the rival submissions of learned counsel for parties, material available on record as well as in light of the submission of

counsel for the applicant to the effect that while on bail in this case, the applicant would not commit any crime/offence nor would try to tamper the evidence or influence the witnesses in any manner, whatsoever it may be, and without expressing any opinion on the merits of the case, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is allowed.

6. Let the applicant- **Manish Negi** 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 tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- 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 :- 1.11.2023
S.Verma