

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 31073 of 2023

Applicant :- Vishal @ Vishal Kumar And Another

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Prabha Shanker Pandey, Dashrath Prasad

Counsel for Opposite Party :- G.A., Amit Rana, Santosh Kumar Tripathi

Hon'ble Umesh Chandra Sharma, J.

1. Heard Dashrath Prasad, learned counsel for the applicants, Shri Santosh Kumar Tripathi, learned counsel for the informant and learned A.G.A. for the State and perused the records.
2. The instant bail application, has been filed with a prayer to enlarge the applicants on bail in Case Crime No. 159 of 2023, under Sections 147, 148, 149, 323, 324, 307, 354D, 354, 34 I.P.C. and Section 7/8 of Protection of Children from Sexual Offences Act, Police Station- Noorpur, District- Bijnor, during pendency of the trial.
3. According to the learned counsel for the applicants general role has been assigned to the applicants and no injury of serious in nature has been explained by the informant and the no specific role has been assigned to the present applicants and the role assigned is identical to that of co-accused Ujjwal @ Ujjwal Gaud. The co-accused Ujjwal @ Ujjwal Gaud have already been enlarged on bail by this Court vide Criminal Misc. Bail Application No.28383 of 2023 dated 11.10.2023. There is no previous criminal antecedents of the of the applicants. The applicants claims parity. The applicants are languishing in jail since 25.05.2023, in case they are enlarged on bail, they will not misuse the said liberty, and there is no likelihood of abscondence or tampering with evidence.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.

6. Let the applicants, **Vishal @ Vishal Kumar** and **Harish Chandra** 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 applicants shall not temper with the prosecution evidence;
- ii. the applicants shall not pressurize the prosecution witness;
- iii. the applicants 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

A Gautam