

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 35797 of 2023

Applicant :- Akhil Mittal

Opposite Party :- State of U.P.

Counsel for Applicant :- Vinay Kumar Mishra, Rajrshi Gupta, Sr. Advocate

Counsel for Opposite Party :- G.A., Akanksha Gaur

Hon'ble Vivek Varma, J.

1. Supplementary affidavit, filed by the counsel for the applicant, is taken on record.
2. Heard learned Counsel for the applicant, learned A.G.A. for the State and Ms. Akanksha Gaur, counsel for the informant. Perused the record.
3. 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. 381 of 2023, under Sections 498A, 323, 313, 427, 504, 509 I.P.C., and Section 3/4 of D.P. Act, Police Station- Hapur Nagar, District- Hapur during pendency of the trial.
4. Counsel for the applicant submits that the present matter arises out of matrimonial discord between the parties. During the pendency of the proceedings the parties have entered into an amicable settlement and have decided for legal separation from each other. He further submits that the father of the applicant has transferred Rs.12 lakhs in the account of the victim and at present no dispute survives between the parties. Further no injury has been caused to the victim. The applicant does not have any criminal history. The applicant is in jail since 22.7.2023. In case he is enlarged on bail, he will not misuse the said liberty.
5. Ms. Akanksha Gaur, counsel for the informant does not dispute the contentions raised by the counsel for the applicant. She further submits that she has no objection if the applicant is enlarged on bail. Learned A.G.A. has also no objection in case the applicant is enlarged on bail.
6. The transfer of funds in the account of the victim shall not prejudice the defence of the applicant in the trial Court.
7. Further, considering the fact that the dispute between the parties arises out of matrimonial discord and during the pendency of the

proceedings the parties have entered into settlement and the applicant has no criminal antecedents and further he has presently remained confined for more than two months and 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 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.

8. Let the applicant, **Akhil Mittal** 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 witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

9. 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 :- 12.10.2023
S.S.