

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36954 of 2023

Applicant :- Dheeraj Kumar Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Prashant Sharma, Pankaj Sharma

Counsel for Opposite Party :- G.A., Om Prakash Tripathi

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the parties and perused the record.
2. By means of this bail application, applicant seeks bail in Case Crime No.94 of 2023, under Section 368 IPC, Police Station Bharthana, District Etawah, during the pendency of trial.
3. Learned counsel for the applicant submitted that the applicant is not named in the FIR. He has nothing to do with the alleged occurrence. It has also been contended that the co-accused Brijpal and Manoj Kumar have been enlarged on bail. Later on the role has been assigned to the applicant that he was witness of the alleged marriage in Arya Samaj, Civil Lines, Allahabad. He denies the signature as witness on the marriage certificate. Learned counsel contends that his name has been mentioned only as he was the elder brother of the main accused. Till now neither the victim nor the accused, Rajvir Singh have been traced out. There is no previous criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 31.05.2023. In case the applicant is released on bail, he will not misuse the said liberty.
4. The bail application has been vehemently opposed by the counsel for the opposite parties but the aforesaid submissions advanced by the counsel for the applicant could not be satisfactorily disputed from the record.
5. Considering the facts, circumstances and the submissions made, this Court is of opinion that the applicant has made out a fit case for bail. Accordingly, the bail application is allowed.
6. Let the applicant - **Dheeraj Kumar Yadav**, involved in the aforesaid case crime 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 :- 1.12.2023

Shahroz