

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36769 of 2023

Applicant :- Sangram Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Pankaj Kumar Dwivedi, Anil Kumar
Srivastava, Vijay Shankar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Rejoinder affidavit filed by the counsel for the applicant, is taken on record.
2. Heard learned counsel for the applicant and Sri Neeraj Kumar Sharma, learned AGA for the State-respondent.
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. 304 of 2023, under Sections 3/5/25 of Arms Act, Police Station Sarnath, District Varanasi, during the pendency of trial.
4. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. False recovery of five country made pistols and nine magazines has been shown from the applicant. There is no independent witness to the alleged recovery. Prior to the instant case the applicant was involved in Case Crime No. 314 of 2012, under Section 3/25 Arms Act, Police Station Kotwali, District Deoria. In the said case the applicant has been enlarged on bail. The applicant is in jail since 30.06.2023 and in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that there is no independent witness to the recovery. At this stage, there is no substantive evidence against the applicant. The applicant has remained confined for more than five months and after submission of the charge-sheet 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 delay the trial 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.

7. Let the applicant **Sangram Singh**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two heavy 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; and,

(iv) shall not leave the country without the leave of the Court.

8. 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

Lbm/-