

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36944 of 2023

Applicant :- Kallu

Opposite Party :- State of U.P.

Counsel for Applicant :- Arun Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant 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. 158 of 2023, under Section 436 I.P.C., Police Station Sumerpur, District- Hamirpur, during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has not set the house of the informant on fire as he is the neighbour and his house is also adjacent to the house of the informant and there is every possibility of damaging his house also. It is next contended that neither in the F.I.R. nor in the site plan, there is whisper about the item/goods that have been burnt in the alleged incident. It is also contended that only out of apprehension, the instant F.I.R. has been lodged against the applicant, there is no independent witness of the alleged incident. The applicant himself informed the neighbourers about the firing in the house. The applicant has no criminal history, he is in jail since 02.05.2023, in case he is released on bail, he will not misuse the liberty.

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 above and the fact that 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 co-accused persons have been granted bail and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper 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.

6. Let the applicant- **Kallu** 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 :- 30.10.2023

S.Verma