

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38329 of 2023

Applicant :- Nitin

Opposite Party :- State of U.P.

Counsel for Applicant :- Narendra Kumar

Counsel for Opposite Party :- G.A., Dhirendra Kumar Verma, Renu Swarnkar

Hon'ble Vivek Varma, J.

1. Case called out in revised list. Learned counsel for the informant is not present.
2. Heard learned Counsel for the applicant and learned A.G.A. for the State.
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. 97 of 2022, under Sections 147, 148, 323, 506, 336, 294, 307 IPC, Police Station-Kurra, District- Mainpuri, during pendency of the trial.
4. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. Four named persons including the applicant and two unknown persons are nominated in the first information report. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender, who caused injury to the injured Chandrabhan. Identically placed co-accused Alvej has been granted bail by this Court in Criminal Misc. Bail Application No.24257 of 2023 vide order dated 26.06.2023. The applicant claims parity. The applicant is in jail since 28.07.2023 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned A.G.A. 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 a vague and general role has been assigned to the applicant. Identically placed co-accused Alvej has been granted bail by this Court. Further, the applicant has remained confined for more than two 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, **Nitin**, 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 temper 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.

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 :- 13.10.2023

Lbm/-