

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39343 of 2023

Applicant :- Sunil Tiwari

Opposite Party :- State Of U.P.And 3 Others

Counsel for Applicant :- Om Prakash Chaube

Counsel for Opposite Party :- G.A.,Krishna Kant Shukla,Rajendra Kumar Yadav

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned counsel for opposite party no. 4 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.228 of 2023, under Section 354(A), 506 I.P.C. and Section 8 of the POCSO Act, Police Station Kulhapur, District Mahoba, during the pendency of the trial.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. There is inordinate delay in lodging the F.I.R. As a matter of fact, there was some dispute between the victim and the wife of the applicant regarding parking the bicycle which resulted in lodging this F.I.R. The applicant having no criminal history, is in jail since 13.08.2023. In case the applicant is released, 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. Considering the rival submissions of learned counsel for parties, material available on record as well as in light of the submission of counsel for the applicant to the effect that while on bail in this case, the applicant would not commit any crime/offence nor would try to tamper the evidence or influence the witnesses in any manner, whatsoever it may be, and without expressing any opinion on the merits of the case, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is **allowed**.
6. Let the applicant- **Sunil Tiwari** 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 :- 16.10.2023

S.Verma