

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39469 of 2023

Applicant :- Vindhyachal Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashok Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicants on bail in Case Crime No.126 of 2018, under Sections 147, 148, 186, 332, 336, 352, 353, 395, 427, 435, 452, 506 IPC and Section 7 Criminal Law Amendment Act, Police Station Anpara, District Sonbhadra, during the pendency of trial.
3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in this case. It is also contended that similarly placed co-accused persons have already been enlarged on bail by the trial court. Learned counsel for the applicant has, therefore, argued that the applicant is also entitled to be enlarged on bail on the ground of parity. There is no criminal history against the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 03.08.2023. In case he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail. However, he could not dispute the aforesaid submissions advanced by the counsel for the applicant.
5. Having regard to the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.
6. Let the applicant - **Vindhyachal Sharma**, involved in the aforesaid case 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 :- 2.11.2023
Shahroz