

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39173 of 2023

Applicant :- Anar Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Mool Chandra Maurya

Counsel for Opposite Party :- G.A., Mayank Maurya

Hon'ble Umesh Chandra Sharma, J.

1. Supplementary affidavit filed today is taken on record. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 30 of 2023 under Sections 307 I.P.C. Section 3/25 Arms Act, Police Station- Raja Ka Rampur, District- Etah, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicant is not named in the F.I.R. nor in the statements of the informant and in the injured. The name of the applicant came into light in the statement of one Dataram alleged independent witness, who stated that the applicant has confessed before him that he has committed the crime. As a matter of fact, the applicant is the father of the victim and at the time of the incident, he was working on the field. It is next contended that the applicant has been implicated in this case as he was opposing the affairs of his daughter. The recovery is false and planted, as there is no independent witness of the same. The applicant is in jail since 24.3.2023, in case he is enlarged on bail, he will not misuse the said 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 almost two months, more so when 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- **Anar Singh**, involved in 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 :- 1.12.2023

S.Verma