

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41710 of 2023

Applicant :- Vishal Dubey

Opposite Party :- State of U.P.

Counsel for Applicant :- Anand Pati Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed today is taken on record. Heard learned counsel for the applicant, learned counsel for the informant as well as learned A.G.A. for the State and perused the records.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 157 of 2023, under Sections 363, 364-A, 120-B I.P.C., Police Station- Dibiyapur, District- Auraiya, during pendency of the trial.

3. Counsel for the applicant submit that the applicant has been falsely implicated in the instant case. Neither the applicant is named in the F.I.R. nor the abductee was recovered from the possession or on the pointing of the applicant. The alleged mobile number from which call was made to the informant, does not belong to the applicant. No property was delivered or received by the applicant in connection with the alleged crime. As a matter of fact, there was some dispute between the applicant and the father of the abductee and after the victim went missing, the applicant has been implicated in this case. The statement u/s 164 Cr.P.C. of the victim, has been recorded after filing of charge-sheet. It is next contended that after arresting the applicant, the police has implicated him in two other cases, however, he has no previous criminal antecedent. The applicant is in jail since 23.03.2023, in case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned counsel for the informant as well as 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 eight 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.

6. Let the applicant, **Vishal Dubey**, 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.

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 :- 24.11.2023

S.Verma