

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40415 of 2023

Applicant :- Guddu Chauhan @ Rajendra Chauhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Yogesh Kumar Srivastava, Noor Muhammad

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. 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 2022 under Sections 7/25 Arms Act, Police Station- Ramgarh, District- Firozabad, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. It is contended by learned counsel for the applicant that in the alleged incident neither any police personnel received any fire arm injury nor the alleged recovery of fire has been made from the applicant, as there is no independent witness of the alleged recovery. In the alleged incident, the applicant himself sustained injuries. It is next contended that only on the ground of criminal history, the bail application of the applicant has been rejected by the Sessions Court while no offence, as alleged in the F.I.R., is made out against the applicant. The criminal history of the applicant has been explained in para 7 of the affidavit. The applicant is in jail since 20.1.2022, 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 more than one and a half year, 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- **Guddu Chauhan @ Rajendra Chauhan**, 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 :- 24.11.2023

S.Verma