

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41543 of 2023

Applicant :- Pankaj Sharma @ Pankaj Kumar Dixit

Opposite Party :- State of U.P.

Counsel for Applicant :- Krishna Kumar Singh, Dr. Abhay Kant Upadhyay

Counsel for Opposite Party :- G.A., Ashok Kumar Singh

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned counsel for the informant as well as 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. 130 of 2022 under Sections 420, 467, 468, 471, 504, 506 and 34 I.P.C., Police Station- Medical District-Meerut, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. Though the applicant is named in the F.I.R. as associate/assistant of the main accused, however, no specific role has been assigned to him. It is next contended that the co-accused Smt. Krishna and Ramnaresh Sharma, who are alleged to have committed the offence, and have been shown as main accused, have been granted bail by this court in Criminal Misc. Bail Application No. 44009 of 2022 and 12872 of 2023 vide orders dated 7.12.2022 and 6.4.2023, respectively. The criminal history of applicant has been explained in para 43 of the affidavit. The applicant is in jail since 10.07.2023. 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 more than two months, and after submission of the charge-sheet, there is no hope of early conclusion of trial, more so when co-accused persons have been granted bail and 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- **Pankaj Sharma @ Pankaj Kumar Dixit**, 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 :- 19.10.2023

S.Verma