

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40906 of 2023

Applicant :- Rajkumar Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Sushil Kumar Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Sushil Kumar Tewari, learned counsel for the applicant, and 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. 1167 of 2019, under Sections 363, 366 IPC, Police Station- Civil Lines, District-Moradabad, during pendency of the trial.

3. Learned counsel for the applicant submits that initially applicant was granted bail and he has been assigned the role to cooperate with main accused. During the period of 2019 applicant went to his province Bihar and could not appear in the court, thereafter, process were issued and he was arrested. When he moved an application the same was rejected. It is also contended that though, the charge has been framed but there is no possibility of disposal of the case in near future. However, he has also contended that the main accused and the victim are living together as husband and wife and out of their wedlock a child has also born. The applicant is languishing in jail since 14.08.2023, in case he is enlarged on bail, he will not misuse the liberty, and there is no likelihood of abscondence or tampering with evidence.

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 but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Rajkumar Yadav** 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 :- 2.11.2023

Vikram