

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40639 of 2023

Applicant :- Satyaprakash

Opposite Party :- State of U.P.

Counsel for Applicant :- Mahendra Kumar Maurya

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 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. 124 of 2023 under Sections 395, 412 I.P.C., Police Station- G.R.P. District- Mathura, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. Neither the applicant has been named in the F.I.R. nor has been arrested from the spot. There is no independent witness of the alleged incident. The name of the applicant came into light during the investigation. No case property has been recovered from the possession of the applicant. It is next contended that the co-accused Pawan Chauhan and Pradeep Sindhi from whom recovery has been made, have been granted bail by this court in Criminal Misc. Bail Application Nos. 29540 of 2023 and 38844 of 2023 vide orders dated 20.7.2023 and 27.9.2023 respectively. The criminal history of the applicant has been explained in para 20 of the affidavit and para 2 of the supplementary affidavit. The applicant is in jail since 12.04.2023, 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 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- **Satyaprakash**, 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 :- 12.10.2023

S.Verma