

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40555 of 2023

Applicant :- Brahm Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashok Kumar Singh, Pratibha Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Mrs. Pratibha Singh, learned counsel for the applicant, Sri Mithilesh Kumar, 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. 153 of 2023, under Sections 364, 201 I.P.C., Police Station- Mirahchi, District- Etah, during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been implicated in the instant case only on the basis of apprehension as the applicant is father of the victim. After knowing about the missing of his daughter, the applicant himself reported the matter to the concerned police station, however, the police did not take any action and only on the basis of confessional statement on its own way, the police has implicated the applicant in this case. There is no independent witness of the alleged incident nor any incriminating article has been recovered from the alleged spot or on the pointing of the applicant. As a matter of fact, there is love affairs between the victim and one Vivek Kumar and at the time of the alleged incident, the victim was with him. Till date neither the corpus is recovered nor any evidence in that regard has been collected by the I.O. The applicant has no criminal history, he 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 and submitted that it is a case of honour killing and till now, the corpus has not been recovered as such there is every possibility that in case the applicant is released on bail, he would temper the evidence.

5. Having regard to the submissions made above and the fact that

the applicant has remained confined for three 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, **Brahm Singh** 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 :- 30.10.2023
S.Verma