

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41022 of 2023

Applicant :- Smt. Sanju Manjhi @ Ranjana And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Manoj Kumar Sahu

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicants and learned AGA for the State-respondent.
2. The instant bail application under Section 439 Cr.P.C. has been filed with a prayer to enlarge the applicants on bail in Case Crime No. 165 of 2023, under Sections 392, 411, 120-B IPC, Police Station Govind Nagar, District Mathura, during the pendency of trial.
3. Counsel for the applicants submits that the applicants were not named in the first information report. The applicants were arrested on 16.06.2023 along with five others and have been falsely implicated in the present case. False recovery of Indian currency, a silver brick and ornaments has been shown from the possession of the applicants. There is no independent witness to the recovery. The recovered articles cannot be connected with the offence in question. The applicants are in jail since 17.06.2023 having no criminal history and in case they are enlarged on bail, they will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicants were not named in the first information report. There is no independent witness to the alleged recovery. At this stage there is no substantive evidence against the applicant. Further, the applicants have remained confined for almost four 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 applicants, 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 applicants are entitled to be enlarged on bail.
6. Let the applicants **Smt. Sanju Manjhi @ Ranjana and**

Peetam Singh Manjhi @ Chhotu involved in the aforesaid case be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that they:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(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 :- 17.10.2023

Lbm/-