

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41782 of 2023

Applicant :- Harish

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Akbar Shah Alam Khan

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the records.
2. This is second bail application on behalf of the applicant. The first bail application was rejected on 3.1.2019.
3. The instant bail application has been moved with a prayer to enlarge the applicant on bail in Case Crime No. 282 of 2016, under Sections 394, 411, 201, 34 I.P.C., Police Station- Goghat, District-Baghat, during pendency of the trial.
4. Counsel for the applicants submits that the applicant has been falsely implicated in the instant case. The applicant is in jail for almost 7 years. It is contended that the applicant is a married person and is sole bread earner in the family. It is next contended that the first bail application was rejected on ground of pendency of case crime no. 280 of 2016 under Section 302, 307, 452, 506, 394, 120-B, 411, 34 I.P.C. in which the applicant has now been granted bail vide order dated 21.7.2023. Copy of the bail order has been annexed as Annexure No. 17 to the affidavit. The applicant is in jail since 24.10.2016, in case, he is enlarged on bail, he will not misuse the said liberty.
5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. 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.
7. Let the applicant, **Harish** 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.

8. 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 :- 13.10.2023

S.Verma