Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41281 of 2023

Applicant :- Anmol Alias Talli
Opposite Party :- State of U.P.
Counsel for Applicant :- Ronak Chaturvedi
Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State-opposite party.

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. 818 of 2023, under Sections 147, 148, 149, 323, 504, 506, 307 I.P.C., 3/25 Arms Act and 7 Criminal Law (Amendment) Act, Police Station Kotwali City, District Bijnor during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case. In the first information report, 12 persons are nominated. A vague and general role has been assigned to the applicant. There is a cross version of the incident. From the side of the applicant, two persons have received injuries. It is next contended that identically placed co-accused Kunal has been granted bail by this Court in Criminal Misc. Bail Application No. 39508 of 2023, Kunal v. State of U.P., vide order dated 25.09.2023. The applicant claims parity. The applicant is in jail since 15.08.2023 having no criminal history and if he is released 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 heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that a vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused the injuries to the injured. Identically placed co-accused Kunal has been granted bail by this Court. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for almost two

months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, 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- Anmol alias Talli, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of 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; 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 :- 12.10.2023
SKT/-

Digitally signed by :-
SHIVA KANT TIWARI
High Court of Judicature at Allahabad