

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41514 of 2023

Applicant :- Kaushal Kishor Pandey

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajeet Kumar Singh

Counsel for Opposite Party :- G.A., Satya Priya Upadhyay

Hon'ble Vivek Varma, J.

1. Supplementary affidavit filed by the counsel for the applicant, is taken on record.
2. Heard learned counsel for the applicant, Sri Satya Priya Upadhyay, learned counsel for the informant and learned AGA for the State-respondent.
3. The instant bail application under Section 439 Cr.P.C. has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 126 of 2019, under Sections 419, 420, 467, 468, 469, 471, 472, 120-B IPC, Police Station Bansdih, District Ballia, during the pendency of trial.
4. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The dispute is primarily of civil in nature. Pursuant to the agreement to sell the land was not transferred. A civil suit is also pending between the parties before the court concerned. The applicant is in jail since 12.07.2023 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the dispute is primarily of civil in nature. Civil suit is also pending between the parties before the competent court. The applicant has no criminal antecedents. The applicant has remained confined for almost 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.

7. Let the applicant **Kaushal Kishor Pandey**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two heavy 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; and,
- (iii) shall not pressurize the prosecution witnesses.

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 :- 12.10.2023

Lbm/-