

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43290 of 2023

Applicant :- Jagveer Baranwal

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Kumar Singh, Ashish Kumar Singh, Tejas Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Ajay Kumar Singh, learned counsel for the applicant, learned AGA for the State-opposite party and perused the record.
2. 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. 74 of 2023, under Sections 363, 311 and 370 (5) of I.P.C., Police Station- Vindhyachal, District- Mirzapur, during the pendency of trial.
3. Learned counsel for the applicant submitted that the name of the applicant was disclosed by the co-accused, Smt. Anuradha Devi in Police custody. The said statement, insofar as, it implicates the applicant is unreliable. The two victims were not recovered from the possession of the applicant. Prior to the instant case, the applicant does not have any criminal history, however after her arrest he has been implicated in other cases. The applicant is in jail since 02.06.2023. In case, he is enlarged on bail, he 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 applicant was not named in the first information report. The name of the applicant was disclosed by the co-accused in Police custody. The victims were not recovered from the possession of the applicant. Further, the applicant has remained confined for more than 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 applicant, if enlarged

on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Jagveer Baranwal**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two 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.

(iv) shall appear before the concerned Superintendent of Police to any date of his choice in the first week of every month till further order of the trial court concerned and shall also attend the trial court as and when directed.

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 :- 24.11.2023

Vijay