

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43673 of 2023

Applicant :- Sachin Jaiswal

Opposite Party :- State of U.P.

Counsel for Applicant :- Rasmi Khilwani

Counsel for Opposite Party :- G.A.,Lakshman Tripathi

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard Ms. Rasmi Khilwani, learned counsel for the applicant, learned AGA for the State, Sri Lakshman Tripathi, learned counsel for the informant and perused the record.
3. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.67 of 2023, under Sections 386, 507 IPC, Police Station Chetganj, District Varanasi, during the pendency of trial.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is also contended that there is no evidence to prove that the applicant had extorted money from the informant. She, therefore, argues that in absence of any evidence which proves the payment in furtherance of extortion, no case for extortion against the applicant is made out. It is next contended that there is criminal history of seven cases against the applicant which has been explained in paragraph-3 of the supplementary affidavit. There is no likelihood of his abscondence or tampering with the evidence. He is in jail since 11.07.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.
5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant, from the record.
6. Having regard to the facts, circumstances of the case and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.
7. Let the applicant - **Sachin Jaiswal**, 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 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;

(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 :- 8.12.2023

Shahroz