

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46014 of 2023

Applicant :- Dileep Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Surya Bhan Singh

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 record.
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. 0208 of 2023 under Sections 307, 506 I.P.C., Police Station- Kotwali, District- Jaunpur, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. There is contradictions in the statement of the informant and the version of the F.I.R. about the place of incident. It is contended that virtually the brother/informant himself has stabbed the injured, however, due to enmity with the applicant, the informant alongwith his family has falsely implicated him. The alleged recovered knife is false and planted. So far as injuries are concerned, the doctor has not opined that the injuries are dangerous to life, thus the injuries do not make offence beyond Section 325 I.P.C. The criminal history of the applicant has been explained in para 16 of the affidavit. The applicant is in jail since 27.7.2023, in case he is enlarged 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 regard to the submissions made above and the fact that the applicant has remained confined for almost two months, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper 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.
6. Let the applicant- **Dileep Kumar**, involved in 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.

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 :- 28.11.2023

S.Verma