Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43347 of 2023

Applicant :- Anar Singh
Opposite Party :- State of U.P.
Counsel for Applicant :- Mithilesh Kumar Shukla
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. 293 of 2023 under Sections 392, 411 I.P.C., Police Station- Shikohabad, District- Firozabad, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicant is neither named in the F.I.R. nor arrested from the spot. No identification of the applicant has been conducted by the police. The case property has also not been got recognized by the complainant. The alleged recovery of Rs. 5500/- is shown by the applicant, which the applicant claims to his own. The criminal history of the applicant has been explained in para 17 of the affidavit. The applicant is in jail since 15.05.2023. 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 more than three months, and after submission of the charge-sheet, there is no hope of early conclusion of trial, more so when co-accused persons have been granted bail and 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- **Anar Singh**, 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 :- 16.11.2023
S.Verma

Digitally signed by :-
SANDEEP KUMAR VERMA
High Court of Judicature at Allahabad