

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43356 of 2023

Applicant :- Bobby

Opposite Party :- State of U.P.

Counsel for Applicant :- Vijay Tripathi, Rajeew Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.632 of 2023, under Sections 147, 148, 149, 323, 307, 352, 504, 506 IPC, Police Station Shikohabad, District Firozabad, during the pendency of trial.

3. Learned counsel for the applicant submits that general role has been assigned to the applicant. It has also been argued that there is previous enmity between the family members of the applicant and the informant side for some property dispute and to create pressure upon the family members of the applicant, a false story has been concocted to which led to falsely implicate the applicant in the present case. There is criminal history of three cases against the applicant which has been explained in paragraph-2 of the supplementary affidavit. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 13.08.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant.

5. Having regard to the facts, circumstances 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.

6. Let the applicant - **Bobby**, 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.

(iv) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 CrPC may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him in accordance with law

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

Shahroz