

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45351 of 2023

Applicant :- Vimal Jatav

Opposite Party :- State of U.P.

Counsel for Applicant :- Abhishek Tiwari, Braj Gopal

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicant has filed supplementary affidavit today in Court, which is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A for the State and perused the material available on record.
3. 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. 298 of 2023, under Sections 305, 411 I.P.C and 3/25/27 Arms Act, Police Station- Phase-II, District- Gautam Budha Nagar, during the pendency of trial.
4. Counsel for the applicant submitted that the applicant is innocent and he has not committed the alleged offence but the police has falsely implicated him in the instant case. It is case of police encounter, where no fire-arm injury has been received by any of the police personnel. The applicant has no criminal antecedent to his credit. The alleged recovery is false and planted as there is no independent witness. The applicant is in jail since 06.07.2023. In case, he is enlarged on bail, they will not misuse the said liberty.
5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of the view that the applicant is entitled to be enlarged on bail.
7. Let the applicant- **Vimal Jatav**, 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 they:

- (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

Vinod/Shahroz