

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43920 of 2023

Applicant :- Arvind Kashyap

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Babu Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant and learned AGA for the State-respondent.
2. 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.06 of 2023, under Sections 420, 406, 467, 468, 471, 120B IPC, Police Station Mandi, District Saharanpur, during the pendency of trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the instant case. The applicant had not appeared in the Office of Sub-Registrar for execution of the sale deed nor he had affixed his thumb impression on the said deed. The applicant had neither executed the sale deed nor has any concern with the alleged deed. No amount has been credited in the account of the applicant. The applicant is not beneficiary of the illicit transaction. Criminal history of the applicant has been explained in paragraph no.22 of the bail application. The applicant is in jail since 22.02.2023 and in case he is enlarged on bail, not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that at this stage there is no substantive evidence against the applicant that he received the sale consideration and executed the deed in favour of the third party. Further, the applicant has remained confined for more than eight months and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper 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 Arvind Kashyap, 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;

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 :- 30.10.2023

Priya