

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45019 of 2023

Applicant :- Rishabh Tyagi

Opposite Party :- State of U.P.

Counsel for Applicant :- Ankit Agarwal

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Short counter affidavit filed by learned AGA and third supplementary affidavit filed by the counsel for the applicant, are taken on record.
2. Heard learned counsel for the applicant and Sri Neeraj Kumar Sharma, learned AGA for the State-respondent.
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. 678 of 2023, under Sections 323, 394, 307, 420 IPC and Section 3/25 Arms Act, Police Station Khurja Nagar, District- Bulandshahr, during the pendency of trial.
4. Counsel for the applicant submits that the applicant and the informant are known to each other. An altercation took place between the co-accused Vishal and the informant. Consequently, the informant and one Chob Singh received injuries. As per the medical report, the injured Chob Singh has received three injuries. The said injuries were referred for X-ray examination. As per the X-ray report, no bony injuries was found and all the injuries were simple in nature. The informant received six injuries. As per the X-ray report, no bony injury was found and all the injuries were simple in nature. Recovery of Rs. 200/- has been shown from the applicant. The said amount belongs to him. It is next contended that co-accused Vishal has been granted bail by the trial court vide order dated 04.10.2023 passed in Bail Application No. 5882 of 2023 (Vishal Chhokar Vs. State of U.P.). The criminal history of the applicant has been explained in para 2 of the first supplementary affidavit. The applicant is in jail since 19.08.2023 and in case he is enlarged on bail, he 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 heard counsel for the parties and having perused the record, this Court prima facie finds that a vague and general

role has been assigned to the applicant. The injuries sustained by both the injured were found simple in nature. 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 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.

7. Let the applicant **Rishabh Tyagi**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two heavy 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; and,

(iii) shall not pressurize the prosecution witnesses.

8. 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 :- 5.12.2023

Lbm/-