

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43746 of 2023

Applicant :- Vikash Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Indra Deo Mishra, Giri Ram Rawat, Shri Ram (Rawat)

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri I.D. Mishra, learned counsel for the applicant, learned AGA for the State-respondent 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. 160 of 2023, under Sections 307, 504, IPC, Police Station- Kotwali, District-Azamgarh, during the pendency of trial.
3. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. He has further contended that the injuries received by the injured are not dangerous to life and are simple in nature, which were alleged to have been caused by a small knife. The accused is a permanently 45 per cent disable person. The applicant has no criminal antecedents to his credit except the cases mentioned in the affidavit. The applicant is in jail since 01.04.2023. In case, he is enlarged on bail, he will not misuse the said liberty.
4. Per contra learned A.G.A has stated that on 02.03.2023, the victim was admitted in the hospital for one day. It is further stated that a small knife was recovered from the possession of the accused.
5. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having regard to the submissions made above and the fact that the applicant has remained confined for almost seven and half 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 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. Accordingly, the bail application is allowed.

7. Let the applicant- **Vikash Sharma**, 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.

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 :- 7.11.2023

Vinod.