

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43765 of 2023

Applicant :- Bishan Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Kartikey Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State-opposite party.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 173 of 2023, under Sections 420, 468, 471 I.P.C., Police Station Refinery, District Mathura during the pendency of the trial.
3. As per the prosecution case, the applicant had appeared in the selection proceedings for the post of Dak Sewak. On verification of High School certificate of the applicant it was found to be incorrect.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The applicant had appeared in the examination on the basis of the genuine certificate. The authorities on the basis of an exparte enquiry had reached a conclusion. The applicant is in jail since 03.09.2023 having no criminal history and if he is released on bail, he will not misuse the said liberty.
5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that at present there is no substantive evidence against the applicant to implicate him in the instant case. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than one month and after submission of the charge-sheet there is no hope of early conclusion of trial, 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, therefore, 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- Bishan Singh, 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 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 :- 13.10.2023

SKT/-