

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44334 of 2023

Applicant :- Jitendra Chauhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned Counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and perused the record.
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. 249 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C., Police Station- Alinagar, District- Chandauli during pendency of the trial.
3. Counsel for the applicant submits that the informant had taken a mobile phone on loan from the shop of the applicant. The informant failed to repay the loan amount and in order to harass the applicant he has been implicated in the instant case. Except the confessional statement of the applicant in police custody there is no cogent evidence against the applicant. The applicant was arrested on 24.8.2023 and has been implicated in the offences of similar nature. In those cases the applicant has been granted bail by this Court vide orders dated 26.10.2023 and 7.11.2023 passed in Criminal Misc. Bail Application Nos. 42620 of 2023 and 43568 of 2023. The details of the said cases have been mentioned in para 21 and 22 of the bail application. The applicant is in jail since 24.8.2023. In case he is enlarged on bail, he will not misuse the said liberty.
4. Learned A.G.A. 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 except the confessional statement of the applicant in police custody there is no substantive evidence against the applicant. The applicant has also been granted bail by this Court in cases of similar nature. Further the applicant has presently remained confined for more than two months and 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 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, **Jitendra Chauhan** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not tamper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

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
S.S.