

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44482 of 2023

Applicant :- Balram @ Balla

Opposite Party :- State of U.P.

Counsel for Applicant :- Narendra Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed today is taken on record. Heard learned counsel for the applicant, 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 the prayer to enlarge the applicant on bail in Case Crime No. 95 of 2023 under Sections 307, 411, 414 I.P.C., Section 41/102 Cr.P.C. and Section 3/25/27 Arms Act, Police Station- Allau, District- Mainpuri, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. It is contended that it is a case of police encounter, where no police personnel has received injury. The recovery is false and planted, as there is no independent witness of the same. There is no evidence against the applicant except his confession before the police. The recovered motorcycle has not been connected to any crime. The police after arresting the applicant, has also implicated him in several cases. The criminal history of the applicant has been explained in para 3 of the supplementary affidavit. The applicant is in jail since 24.03.2023, 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 regard to the submissions made above and the fact that 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 co-accused persons have been granted bail and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper 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- **Balram @ Balla**, involved in 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.
- (iv) shall appear before the S.P. Mainpuri, on any day of the first week of every month till the further order of 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 :- 2.12.2023

S.Verma