

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44333 of 2023

Applicant :- Tekan

Opposite Party :- State of U.P.

Counsel for Applicant :- Sukrampal, Tikendra Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard learned counsel for the applicant and learned AGA for the State-respondent.
2. The present bail application has been filed by the applicant-Naresh Giri to enlarge him on bail in S.T. No. 903 of 2014 arising out of Case Crime No. 456 of 2014, under Section 307 I.P.C., Police Station Kosikalan, District Mathura during the pendency of trial.
3. Counsel for the applicant submits that earlier the applicant was granted bail by the trial Court on 26.8.2014. Due to unavoidable circumstances, the applicant could not appear before the trial court. Consequently, non-bailable warrants were issued and the applicant was arrested on 25.8.2023 and since then he is in jail. Counsel for the applicant submits that the applicant has every intention to appear before the Court concerned and participate in the trial. In case, he is enlarged on bail, he will not misuse the liberty of bail.
4. Learned AGA 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 earlier the applicant was granted bail by the trial court on 26.8.2014 and further the applicant has presently remained confined for more than one month 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- **Tekan** 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 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.

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 :- 18.10.2023
S.S.