

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44409 of 2023

Applicant :- Jitendra Verma

Opposite Party :- State of U.P.

Counsel for Applicant :- Sunil Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Sunil Kumar Srivastava, learned counsel for the applicant who has filed supplementary affidavit which is taken on record, learned AGA for the State 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.440 of 2023, under Section 420, 467, 468, 471 IPC and Sections 61/63 of the Copy Right Act, Police Station Kotwali, District Shahjahanpur, during the pendency of trial.

3. Learned counsel for the applicant has argued that the applicant has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. It is further argued that the co-accused persons who were arrested on the spot at the time of commission of the alleged offence have already been enlarged on bail by co-ordinate Benches of this Court vide orders dated; (i) 31.10.2023 passed in Criminal Misc. Bail Application No.44616 of 2023 (Surendra Vs. State of UP); and (ii) 30.10.2023 passed in Criminal Misc. Bail Application No.44488 of 2023 (Nanhe Lal Vs. State of UP). He, therefore, submitted that since the case of the applicant is on the better footing to that of the aforesaid co-accused who have already been enlarged on bail, he is also entitled to be enlarged on bail. There is no previous criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 07.08.2023. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has vehemently opposed the bail application but he could not dispute the submission advanced on behalf of the counsel for the applicant.

5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the

case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Jitendra Verma**, involved in the aforesaid case crime 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.

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 :- 23.11.2023

Shahroz