

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44910 of 2023

Applicant :- Praveen Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Arvind Kumar Trivedi

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. 346 of 2023, under Sections 395, 342, 500, 412, 506, 171 I.P.C., Police Station Kalyanpur, District Kanpur Nagar during the pendency of the trial.
3. Learned counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the instant case. The name of the applicant surfaced during investigation. No amount was credited in the account of the applicant. The applicant is not a beneficiary of the illicit transaction. No indecent video was recovered from the mobile phone of the applicant. The applicant is a student and his career would be jeopardized as a result of the instant criminal case. It is next contended that the co-accused Brajendra Singh, having identical role has been granted bail by this Court vide order dated 13.10.2023 passed in Criminal Misc. Bail application No. 43694 of 2023. The applicant claims parity. The applicant is in jail since 09.08.2023 having no criminal history and if he is released 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 learned counsel for the parties and after perusal of the record, this Court prima facie finds that the applicant was not named in the first information report and at this stage there is no substantive evidence against the applicant. The co-accused Brajendra Singh, having identical role has been granted bail by this Court. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for almost two months 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.

6. Let the applicant- Praveen 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.

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 :- 26.10.2023

S.S.