

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45520 of 2023

Applicant :- Sonu

Opposite Party :- State of U.P.

Counsel for Applicant :- Lavkush Kumar Shukla, Ayub Khan, Sanjay Agarwal

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard counsel for the applicant and Sri V.P. Tripathi, learned AGA for the State.
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. 271 of 2023, under Sections 420, 467, 468 & 471 I.P.C. and Section 66D of Information Technology (Amendment) Act, Police Station- Govind Nagar, District- Mathura during pendency of the trial.
3. Counsel for the applicant contends 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 was disclosed by the co-accused, Ejaj Ahmad in Police custody. The said statement, insofar as, it implicates the applicant is unreliable. The recovered items cannot be connected to the offence. It is next contended that the identically placed co-accused, Satya Prakash, has been granted bail by this Court vide order dated 30.10.2023 passed in Criminal Misc. Bail Application No. 45541 of 2023. The applicant claims parity. The applicant is in jail since 15.08.2023, having no criminal history. 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 facts from the record.
5. Having heard learned counsel for the parties and having perused the record this Court prima facie finds that the applicant was not named in the first information report. Name of the applicant was disclosed by co-accused Ejaj Ahmad in police custody. Identically placed co-accused, Satya Prakash, has been granted bail by this Court. Further, the applicant has no criminal antecedents and 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 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, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Sonu** 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 temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
and,
- 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 :- 23.11.2023
Sachin Mishra