

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45614 of 2023

Applicant :- Uttam Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Km. Khushi

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 instant bail application under Section 439 Cr.P.C. has been filed with a prayer to enlarge the applicant on bail in Complaint Case No. 102 of 2022, under Sections 392, 354 IPC, Police Station Karvi, District Chitrakoot, during the pendency of trial.
3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The incident is alleged to have occurred on 24.10.2021, whereas the complaint was filed on 24.12.2021. There is no plausible explanation for the delay in filing the complaint. There are contradictions in the complaint and in the statement under Section 200 Cr.P.C. It is next contended that co-accused Dwarika Singh and Khuman Singh have been granted bail by the trial Court vide order dated 01.08.2023. The applicant is in jail since 10.10.2023 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.
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 complaint was filed belatedly. There are contradictions in the complaint and in the statement under Section 200 Cr.P.C. The co-accused Dwarika Singh and Khuman Singh have been granted bail by the trial Court vide order dated 01.08.2023. The applicant has no criminal antecedents and has remained confined for almost one month. 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 **Uttam 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 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; 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 :- 6.11.2023

Lbm/-