

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45127 of 2023

Applicant :- Vishnu Jaiswal

Opposite Party :- State of U.P.

Counsel for Applicant :- Yadvesh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, 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.105 of 2023, under Sections 147, 148, 149, 307, 504, 506, 186, 332, 353 IPC and 7 Criminal Law Amendment Act, Police Station Naugarh, District Chandauli, during the pendency of trial.

3. Learned counsel for the applicant submits that general allegation of assault on the police party has been levelled against all the accused persons including the present applicant. As per medical report injuries sustained by the injured are simple in nature. Applicant is innocent and has been falsely implicated in the instant case. The applicant has no previous criminal history. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 14.08.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has vehemently opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant, from the record.

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 - **Vishnu Jaiswal**, 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;

(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 :- 2.12.2023

Shahroz