

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45424 of 2023

Applicant :- Veer Vikram Bahadur Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Jagdish Prasad Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard counsel for the applicant and Sri V.P. Tripathi, 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. 220 of 2022 under Sections 457, 380 and 411 of I.P.C., Police Station- Meerapur, District- Muzaffarnagar, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant was not named in the first information report. The incident is alleged to have occurred in the night intervening 04-05/09/2022. The applicant was arrested on 23.05.2023 and has been falsely implicated in the present case. False recovery of ornaments of yellow & white metals and Rs. 8,000/- has been shown from a vehicle driven by the applicant. There is no independent witness to the alleged recovery. The applicant has no concern with the alleged vehicle. The criminal history of the applicant has been explained in para no. 6 of the bail application. The applicant is in jail since 23.05.2023 and 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 submissions 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. There is no independent witness to the alleged recovery. At this stage, there is no substantive evidence against the applicant. Further, the applicant has remained confined for more than five months and 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- **Veer Vikram Bahadur Singh**, involved in 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 :- 16.11.2023

Sachin Mishra