

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45425 of 2023

Applicant :- Vishal Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Dileep Singh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed on behalf of applicant is taken on record.
2. Heard Sri Dileep Singh Yadav, learned counsel for the applicant; learned AGA for the State and perused the record.
3. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.290 of 2023, under Sections 394, 307 & 411 IPC, Police Station Bilhaur, District Kanpur Nagar, during the pendency of trial.
4. Learned counsel for the applicant submits that applicant is an Advocate and on the day of incident, when he was returning from the Court, he saw on the way that some persons were quarreling, therefore, he tried to settle their dispute between them but out of them one was police constable, therefore, the police has falsely implicated the applicant in the present case. It is further contended that there is no opinion of doctor that the injuries were dangerous to life. Nothing has been recovered from the possession of the applicant. It is also contended that there is one previous criminal history against the applicant which has been explained through supplementary affidavit. There is no likelihood of his abscondence or tampering with the evidence. He is languishing in jail since 19.09.2023 and in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having regard to 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.

7. Let the applicant - **Vishal Yadav** 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.

8. 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

I.A.Siddiqui