

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45346 of 2023

Applicant :- Rahul Parihar

Opposite Party :- State of U.P.

Counsel for Applicant :- Anand Pati Tiwari, Deepak Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Deepak Upadhyay, Advocate, holding brief of Sri Anand Pati Tiwari, 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. 867 of 2023, under Sections 411, 420, 467, 468, 471 I.P.C, Police Station Auraiya, District Auraiya, during the pendency of trial.

3. Learned counsel for the applicant has submitted that the applicant is absolutely innocent and he has been falsely implicated in the instant case due to police revelry. Learned counsel for the applicant further submitted that nothing has been recovered either from the possession or from the pointing out of the applicant and the alleged recovery shown against the applicant is false and planted. There is no direct or indirect evidence against the applicant. The applicant has no criminal history to his credit except the present case. The applicant is in jail since 24.09.2023. 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 made by the counsel for the applicant.

5. 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.

6. Let the applicant - **Rahul Parihar**, involved in the aforesaid case crime 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
Vinod/Shahroz