

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45907 of 2023

Applicant :- Harish

Opposite Party :- State of U.P.

Counsel for Applicant :- Akshaya Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Sri Anil Kumar Srivastava, Senior Advocate assisted by Sri Chandra Bhan Dubey has put in appearance for the informant. The Vakalatnama is taken on record.

2. Heard learned counsel for the applicant, the counsel for the informant as well as learned AGA and perused the record.

3. The accused-applicant seeks bail in Case Crime No.844 of 2023 under sections 386, 507, 120-B IPC, P.S. Kotwali Nagar, District Bulandshahar.

4. The FIR in question was lodged alleging that phone call was received on the telephone of the informant threatening him. Subsequently, it was alleged that whatsapp was also sent demanding certain amounts, however, no amount has been disclosed in the FIR.

5. It bears from the record that the informant and the applicant are engaged in some property dispute which apprehension was also expressed by the informant while lodging the FIR. Apart from general allegations, prima-facie there is no material so as to implicate the applicant with the offence in question. The applicant is in custody since 23.09.2023 and has no criminal history.

6. Considering the general nature of allegations without there being any specific incident so as to implicate the applicant with the offence in question under section 386 IPC, the applicant who is in custody is entitled to be enlarged on bail. Thus the bail application is allowed.

7. Let the applicant Harish be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned with the following conditions:

- (a) The applicant shall execute a bond to undertake to attend the hearings;
- (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 31.10.2023

VNP/-