

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45645 of 2023

Applicant :- Deepesh Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Bhawesh Pratap Singh, Umesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Sri Anumpam Anand, learned brief holder for the state submits that he has received instructions from the Commissioner of Police, Agra. The instructions produced by learned brief holder is taken on record.

2. Heard counsel for the applicant and learned brief holder for the State-respondent.

3. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 344 of 2023 under Sections 489A, 489B, 489C and 489D of I.P.C., Police Station- Shahganj, District- Agra, during pendency of the trial.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. False recovery of counterfeit notes has been shown from the applicant. There is no independent witness to the alleged recovery. The applicant is in jail since 03.08.2023, having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.

5. Learned brief holder for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that there is no independent witness to the alleged recovery. At this stage, there is no substantive evidence against the applicant. Further, the applicant has no criminal antecedents and has remained confined for more than four months and 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 the merits of the case, I am of the opinion that the applicant is entitled to be

enlarged on bail.

7. Let the applicant- **Deepesh Kumar**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

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 :- 7.12.2023

Sachin Mishra