

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46890 of 2023

Applicant :- Manjesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Vikas Srivastava

Counsel for Opposite Party :- G.A.,Avinash Kumar Chaubey,Shobhit Yadav

Hon'ble Vivek Varma,J.

1. Heard counsel for the applicant, Sri Shobhit Yadav, counsel for the informant 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. 20 of 2019 under Sections 147, 148, 149, 504 and 307 I.P.C., Police Station- Jaswantnagar, District- Etawah, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. As per the allegations in the first information report, specific role of causing fire arm injury to the husband of the informant has been assigned to the applicant. As per the medical report, Shyampal received injuries on left forearm. It is contended that the applicant did not have any intent to kill Shyampal. The injury is on non-vital part of the body. It is next contended that there is a cross version of the incident. From the side of the applicant also injuries have been sustained by one Pawan Kumar. The aggressor is still to be ascertained. The criminal history of the applicant has been explained in para no. 14 of the bail application. The applicant is in jail since 27.09.2023. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. and counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record this Court prima facie finds that injuries sustained by injured Shyampal are on non-vital part of the body. There is a cross version of the incident. Both sides have received injuries. At present, there is no clarity with regard to the role of the applicant. Further, the applicant has remained confined for almost two months and after submission of the charge-sheet 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- **Manjesh**, 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 :- 23.11.2023

Sachin Mishra