

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46191 of 2023

Applicant :- Bharat Sonkar

Opposite Party :- State of U.P.

Counsel for Applicant :- Rasmi Khilwani

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed today is taken on record. Heard learned Counsel for the applicant, learned A.G.A. for the State and perused the records.

2. 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. 93 of 2023, under Sections 323, 386 I.P.C., Police Station- Chetganj, District- Varanasi, during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. There is inordinate delay in lodging the F.I.R. Neither the date nor the time has been mentioned in the F.I.R. No amount has been received by the applicant in connection to the alleged extortion as such the offence under Section 386 I.P.C. would not make out. The applicant has neither threatened the victim nor demanded extortion. The criminal history of the applicant has been explained in para 3 of the supplementary affidavit. The applicant is in jail since 1.10.2018, in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made but 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, **Bharat Sonkar** 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.

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 :- 8.11.2023

S.Verma