

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46831 of 2023

Applicant :- Manish Gurjar

Opposite Party :- State of U.P.

Counsel for Applicant :- Shishir Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicant has filed supplementary affidavit, which is taken on record.
2. Heard Sri Shishir Kumar Tiwari, learned counsel for the applicant, learned A.G.A. for the State and perused the records.
3. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 191 of 2023, under Sections 392, 411 I.P.C Police Station- Badalpur, District- Gautam Budh Nagar, during pendency of the trial.
4. Counsel for the applicant submits that the applicant is not named in the F.I.R, he has been falsely implicated in the instant case. The name of the applicant came into light after 16 days when he was arrested by the police, he has been made accused on the basis of his own confessional statement. Learned counsel for the applicant has further contended that proper identification parade has not been conducted by the police to establish that applicant has committed the alleged offence. In supplementary affidavit the learned counsel for applicant has explained two cases criminal history. He is in jail since 05.07.2023, in case he is enlarged on bail, he will not misuse the said liberty.

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

6. 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.

7. Let the applicant, **Manish Gurjar** 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 :- 1.12.2023

Vinod.