

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47786 of 2023

Applicant :- Ramesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Sachida Nand Tripathi, Mohit Verma

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicants on bail in Case Crime No.50 of 2008, under Section 307 IPC and Section 7 Criminal Law (Amendment) Act, Police Station Gulariya, District Gorakhpur, during the pendency of trial.

3. Learned counsel for the applicant submits that initially the applicant was on bail but due to Covid-19 pandemic he could not appear before the court thereafter process was issued against him and he was arrested on 20.08.2023. It is also contended that the applicant is a daily wager; he has minor children for whom there is no one to look after them. There is criminal history against the applicant which has been explained in paragraphs-13-15 of the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 20.08.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail. However, he could not dispute the aforesaid submissions advanced by the counsel for the applicant.

5. Having regard to the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Ramesh**, involved in the 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 :- 21.11.2023
Shahroz