

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45964 of 2023

Applicant :- Vishnu Shivhare @ Vishnu Shankar

Opposite Party :- State of U.P.

Counsel for Applicant :- Pawan Giri,Himanshu Goswami,Shivam Verma

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Supplementary affidavit filed in the Court today is taken on record.
2. Heard learned counsel for the applicant, learned AGA and perused the record.
3. The FIR in question was lodged against three persons, including applicant, alleging therein that in the year 2019 co-accused Deepak Shivhare got executed a sale deed in his favour by the informant's father. It is also alleged that all the three accused are creating pressure upon informant to execute sale deed of his remaining share. They also threatened the informant to kill his father, if the sale deed has not been executed.
4. It is argued that the allegations made in the FIR are totally fake and false as even date and time of any threats has not been disclosed in the FIR or even in the statements. Apart from the statement, there is no material on record to implicate the applicant with the offence in question. It is further submitted that criminal history has been properly explained in paragraph 3 of the supplementary affidavit. It is further submitted that the applicant is languishing in jail since 17.8.2023, is entitled to be enlarged on bail.
5. Learned AGA has opposed the bail application.
6. Considering the facts and circumstances of the case, argument advanced by learned counsel for the parties and nature of allegations leveled against the applicant, this Court is of the view that the applicant is entitled to be enlarged on bail. In view thereof, the application is allowed.
7. Let the applicant **Vishnu Shivhare @ Vishnu Shankar** be released on bail in FIR No. 325 of 2023, under Sections 420, 447, 342, 386, 323, 504, 506 and 120B I.P.C., P.S. Maudaha, district-Hamirpur, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court

concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 7.11.2023

Faridul