

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46257 of 2023

Applicant :- Jeetu @ Jitendra

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Arshad

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Supplementary affidavit filed by counsel for the applicant is taken on record.
2. Heard counsel for the applicant and learned AGA for the State-opposite party.
3. 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. 229 of 2023, under Sections 395, 412, 120B and 34 of I.P.C., Police Station- Chandaus, District- Aligarh, during the pendency of trial.
4. Counsel for the applicant contended that the applicant and the informant were known to each other. The applicant has been falsely implicated in the present case owing to certain other dispute between the parties. It is highly improbable that the applicant would commit robbery without concealing his face. The incident is alleged to have occurred at a public place. There is no independent witness to the alleged incident. False recovery of Rs. 5,000/- has been shown from the personal possession of the applicant. The recovered amount cannot be connected with the offence. There is no independent witness to the alleged recovery. Prior to the instant case the applicant does not have any criminal history, however after his arrest he has been implicated in Case Crime No. 56 of 2022 under Sections 323, 504 and 506 of I.P.C., Police Station- Chandaus, District- Aligarh. In the said case, the applicant was granted bail by the trial court. The applicant is in jail since 22.08.2023 and in case, he is enlarged on bail, he will not misuse the said liberty.
5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having heard counsel for the parties and having perused the record this Court prima facie finds that there is no independent

witness to the alleged incident. At present, there is no substantive evidence against the applicant. Further, the applicant has remained confined for more than 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.

7. Let the applicant **Jeetu @ Jitendra**, involved in the aforesaid case crime 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; and,
- (iii) shall not pressurize the prosecution witnesses.

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 :- 2.11.2023
Sachin Mishra