

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46458 of 2023

Applicant :- Raju Dwivedi @ Umesh Dwivedi

Opposite Party :- State of U.P.

Counsel for Applicant :- Sudhakar Yadav

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 applicant on bail in Case Crime No.542 of 2013, under Section 307 IPC, Police Station Manjhanpur, District Kaushambi, during the pendency of trial.
3. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case. It is case of police encounter as alleged by the prosecution in which no injury was shown to have been caused to the police personnel. He has not committed any offence as alleged by the prosecution. It is a case of abscondence. There is criminal history of one case in which he has been enlarged on bail which has been explained in paragraph-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 languishing in jail since 17.08.2023. In case the applicant is released on bail, he will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the facts, circumstances and the submissions made but without commenting on 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 - **Raju Dwivedi @ Umesh Dwivedi**, 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;
- (iii) shall not pressurize the prosecution witnesses;
- (iv) will not leave the territory of District Gorakhpur without prior permission of the concerned 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.

8. However, the trial court is directed that the case of the applicant would be decided preferably within a period of six months from the date of production of certified copy of this order and thereafter a compliance report would also be sent to this Court through Registrar (Compliance).

Order Date :- 30.11.2023

Shahroz