

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46991 of 2023

Applicant :- Dhirendra Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Pramod Kumar Shukla, Pawan Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Case diary of the case produced by learned AGA, is taken on record.
2. Heard learned counsel for the applicant and Sri Neeraj Kumar Sharma, learned AGA for the State-respondent.
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. 213 of 2022, under Sections 419, 420, 471, 423 IPC, Police Station Karari, District Kaushambi, during the pendency of trial.
4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. Earlier the named co-accused Indal Prasad lodged an FIR against the son of the informant on 23.12.2017, under Sections 354-A, 504, 506 IPC, Police Station Karari, District Kaushambi. In counter blast to the said proceedings, the instant prosecution has been instituted. The applicant was not named in the first information report. The name of the applicant was disclosed by co-accused Ram Bahadur Maurya in police custody. The said statement insofar as it implicates the applicant is unreliable. The applicant has not forged any document nor has issued any certificate of Class VI to one Anju Devi. It is next contended that the co-accused Indal Prasad Maurya and Anju Devi have been granted bail by the trial court vide order dated 19.07.2023 passed in Bail Application No. 575 of 2023. The applicant is in jail since 20.10.2023 having no criminal history 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 the applicant was not named in the FIR. The name of applicant was disclosed by co-accused Ram Bahadur Maurya in police custody. The co-accused Indal Prasad Maurya and Anju Devi have been granted

bail by the trial court. At this stage, there is no substantive evidence against the applicant. The applicant has no criminal antecedents. The applicant has remained confined for more than a month 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 the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant **Dhirendra Singh**, 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; 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 :- 1.12.2023

Lbm/-