

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47202 of 2023

Applicant :- Bheekam Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Vikram Singh, Parth Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard learned counsel for the applicant and Sri Nagendra Kumar Mishra, learned Brief Holder for the State-opposite party.
3. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 415 of 2023, under Sections 307 I.P.C. and 3/25/27 Arms Act, Police Station Sikandrarao, District Hathras during the pendency of the trial.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The incident is alleged to have occurred on 18.07.2023 and the first information report was lodged on 21.07.2023. The delay in the facts of the present case is fatal to the prosecution case. It is further contended that the injured sustained an injury on her right thigh. The injured was admitted in S.N. Medical College and Hospital, Agra on 19.07.2023 and was discharged on 20.07.2023. The delay in examination of the injured has not been explained by the prosecution. The injury is on non-vital part of the body. The applicant had no intention to murder the injured. The applicant is in jail since 24.07.2023 having no criminal history and if he is released on bail, he will not misuse the said liberty.
5. Learned Brief Holder has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the delay in

examination of the injured has not been explained by the prosecution. The injury is on non-vital part of the body. The applicant had no intention to kill the injured. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than three and half months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, 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- Bheekam 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 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 :- 17.11.2023
SKT/-