

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47951 of 2023

Applicant :- Arun

Opposite Party :- State of U.P.

Counsel for Applicant :- Brij Lal Shukla

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.181 of 2017, under Sections 392, 120B IPC, Police Station Ecotech-1, District Gautam Buddh Nagar, during the pendency of trial.
3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case. It is further contended that the FIR was lodged on 10.11.2017 in which the applicant was not named but his name has come into picture in the confessional statement of the co-accused after more than five years and he was arrested on 27.09.2023 for the alleged offence occurred on 10.11.2017 for which the applicant has no concern. Criminal history of the applicant has been explained in paragraph-17 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 27.09.2023. In case the applicant is released on bail, he will not misuse the said liberty.
4. The prayer for bail has been vehemently opposed by learned AGA. However, he could not dispute the aforesaid submissions advanced by the counsel for the applicant.
5. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of the view that the applicant has made out a fit case for bail. Accordingly, the bail application is allowed.
6. Let the applicant - **Arun**, 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.

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.

Order Date :- 29.11.2023
Shahroz