

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47814 of 2023

Applicant :- Sunil Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Arvind Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 540 of 2023 at Police Station-Vijay Nagar, District- Ghaziabad under Sections 279, 338, 304, 427 IPC. The applicant is in jail since 28.07.2023.

The bail application of the applicant was rejected by the learned trial court on 19.10.2023.

The following arguments made by Arvind Kumar Singh, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Sitesh Kumar holding brief of Shri Hemendra Pratap Singh, learned counsel on behalf of the informant and Shri Rishi Chaddha, learned AGA from the record, entitle the applicant for grant of bail:

1. The deceased died in a road accident which occurred when the offending vehicle collided with the Scooty being driven by the deceased.
2. The applicant was not driving rashly and had taken all the precaution of prudent driving.
3. There is no medical evidence to establish that the

applicant was drunk while driving.

4. The applicant does not have any criminal history apart from the instant case.

5. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Sunil Kumar be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 8.11.2023

Jaswant