

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47760 of 2023

Applicant :- Akbar Singh Alias Bantu

Opposite Party :- State of U.P.

Counsel for Applicant :- Satyendra Narayan Singh, Pankaj Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Satyendra Narayan Singh, learned counsel for the applicant, learned AGA for the State and perused the record.
2. By means of this bail application, applicant seeks bail in Case Crime No.87 of 2023, under Sections 307, 427 IPC and Section 3/57 of the UP Sub Mineral (Concession) Rules, Police Station Jaitpur, District Agra, during the pendency of trial.
3. Learned counsel for the applicant submitted that the applicant was neither named in the FIR nor was he arrested on the spot with JCB. However, it is admitted to him that the alleged JCB belongs to the applicant; he was the co-owner of the same; he was not present on the spot at the time of occurrence. His name has come into picture in the confessional statement of the co-accused, Sonu. It is also contended that the co-accused, Dharendra Singh @ Sanju Tomar has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 08.11.2023 passed in Criminal Misc. Bail Application No.47856 of 2023, therefore, the applicant is also entitled to be enlarged on bail as the case of the applicant is on the better footing to that of the aforesaid co-accused. It is next contended that the vehicle the of the Tehsildar alleged to have been damaged for which no technical examination report has been submitted. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 14.10.2023. 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. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a case for

grant of bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Akbar Singh Alias Bantu**, 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 :- 21.11.2023

Shahroz