

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48139 of 2023

Applicant :- Rajendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Vidya Prakash Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State-opposite party.
2. 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. 311 of 2023, under Sections 420, 406, 467, 468, 471 I.P.C., Police Station Sihani Gate, District Ghaziabad during the pendency of the trial.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The marriage of daughter of the informant was solemnized on 24.11.2022. The applicant has not misled nor has furnished incorrect information to the concerned authorities. Even otherwise the applicant has deposited Rs.82,089/- as per the recovery certificate issued by the Labour Enforcement Officer, Ghaziabad. The applicant is in jail since 26.09.2023 having no criminal history and if he is released on bail, he will not misuse the said liberty.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the applicant has already deposited an amount of Rs.82,089/- demanded by the authority concerned. At this stage there is no substantive evidence against the applicant. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for almost two 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.

6. Let the applicant- Rajendra 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.

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 :- 30.11.2023

SKT/-