

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48073 of 2023

Applicant :- Mahavir And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicants on bail in Case Crime No. 171 of 2023 under Sections 147, 148, 149, 323 & 307 I.P.C., Police Station- Refinery, District- Mathura, during the pendency of the trial.
3. Counsel for the applicants contends that the applicants have been falsely implicated in the present case. General role has been assigned to the applicants. Neither in the F.I.R. nor in the statements of the injured, it has been mentioned that the applicants have caused the fire arm injury. No specific weapon has been stated to be used by the applicants in commission of the alleged crime. The applicants have no previous criminal history, they are in jail since 21.08.2023, in case they are enlarged on bail, they 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 regard to the submissions made above and the fact that the applicants have remained confined for three months, more so when no reasonable apprehension has been brought to the fore by the State that the applicants, if enlarged on bail, would either temper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.
6. Let the applicants- **Mahavir and Vikram** involved in aforesaid case be released on bail on their 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 :- 8.11.2023

Imtiyaz