

Court No. - 67

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48435 of 2023

Applicant :- Neeraj Gupta

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Waseem

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard learned counsel for the applicant as well as learned AGA for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with a prayer to admit him on bail in Case Crime No. 618 of 2023, under Sections 420, 467, 468, 471 IPC and Sections 60, 60(2), 72 of Excise Act and Section 54/63 of Copy Right Act, Police Station Bhojipura, District Bareilly during the pendency of trial.

It is argued by the learned counsel for the applicant that the applicant is absolutely innocent and has been falsely implicated in the present case with some ulterior motive. The applicant has no concern with the alleged crime. It is pointed out that co-accused Ranjeet Singh has already been granted bail by the co-ordinate Bench of this Court vide order dated 8.11.2023 passed on Criminal Misc. Bail Application No. 47776 of 2023. The applicant has no criminal antecedents. It is also submitted that there is no apprehension that after being released on bail, the applicant may flee from the course of law or may, otherwise, misuse the liberty of bail and the applicant is in jail since 28.9.2023 and the possibility of conclusion of trial in near future is very bleak.

Per contra learned A.G.A. has opposed the bail prayer of the applicant contending that the innocence of the applicant cannot be adjudged at pre trial stage but could not dispute the aforesaid submission of the learned counsel for the applicant.

Looking to the nature of allegations levelled against the applicant and submission made in the bail application, without expressing any opinion on the merits of case and considering the nature of accusation and the severity of punishment in case of conviction

and the nature of supporting evidence, particularly since no reasonable apprehension of tampering with the witnesses has been alleged, prima facie, this Court finds, the applicant is entitled to be released on bail in this case.

Accordingly, bail application is **allowed**.

Let applicant **Neeraj Gupta** involved in the aforesaid case crime be released on bail on his furnishing a personal bond of Rs. 50,000/- and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:

(i) That the applicant shall cooperate with the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(iii) That after his release, the applicant shall not involve in any criminal activity.

(iv) The identity, status and residential proof of sureties will be verified by court concerned before the release of the applicant.

In case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail of the applicant.

Order Date :- 9.11.2023

M. Tarik