

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48425 of 2023

Applicant :- Vikash Singh @ Bholu

Opposite Party :- State of U.P.

Counsel for Applicant :- Suneel Kumar Mishra, Anant Prakash Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State-respondent.

2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 231 of 2023 under Sections 395, 397, 412 and 413 of I.P.C., Police Station- Shivpur, District- Varanasi, during pendency of the trial.

3. Counsel for the applicant contends that the applicant was not named in the first information report. The applicant was arrested in Case Crime No. 246 of 2023 under Section 3/25/27 of Arms Act, Police Station- Shivpur, District- Varanasi and has been falsely implicated in the present case. The recovered Indian currency and the mobile phone belong to the applicant. Except the confessional statement of the applicant in Police custody, there is no evidence against him. Prior to the instant case the applicant does not have any criminal history, however after his arrest he has been implicated in other cases. The applicant is in jail since 07.06.2023 and in case he is enlarged 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 counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report. Except the confessional statement of the applicant in Police custody, at this stage, there is no substantive evidence against him. Further, the applicant has remained confined for more than five months 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, 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- **Vikash Singh @ Bholu**, involved in the

aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
and,
- iii. the applicant shall appear on each and every date fixed by the trial court.

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

Sachin Mishra