

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49024 of 2023

Applicant :- Manish Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Abdul Majid, Deepankar Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard learned counsel for the applicant and Sri Anupam Anand, learned Brief Holder 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. 287 of 2023, under Section 307 I.P.C., Police Station Nichlaul, District Maharajganj during the pendency of the trial.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case. It is a case of firing on police party. No police personnel has suffered any injury in the said incident. False recovery of a country made pistol, 10 live cartridges and Indian currency of Rs.14,000/- has been shown from the applicant. There is no independent witness to the alleged recovery. The criminal history of the applicant has been explained in Paragraphs-17 and 18 of the affidavit. The applicant is in jail since 29.06.2023 and if he is released on bail, he will not misuse the said liberty.
4. Learned Brief Holder 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 in the alleged incident no police personnel has suffered any injury and there is no independent witness to the alleged recovery. Moreover, the applicant has remained confined for more than four and half 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- Manish Yadav, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two heavy 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;

(iii) shall not pressurize the prosecution witnesses; and,

(iv) shall appear on the first Sunday of every month at the police station concerned.

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 :- 24.11.2023

SKT/-