

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49410 of 2023

Applicant :- Manoj Kumar Jaiswal And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Surendra Mohan Mishra,Ritesh Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Sri Manoj Kumar Sahu, Advocate has filed his Vakalatnama on behalf of the informant. The same is taken on record.
2. Heard learned counsel for the applicants, Sri Manoj Kumar Sahu, learned counsel for the informant and Sri Neeraj Kumar Sharmma, learned AGA for the State-respondent.
3. The instant bail application under Section 439 Cr.P.C. has been filed with a prayer to enlarge the applicants on bail in Case Crime No. 426 of 2023, under Sections 406, 419, 420, 467, 468, 471, 379, 411 IPC, Police Station Karvi, District Chitrakoot, during the pendency of trial.
4. Counsel for the applicant submits that the applicants were not named in the first information report and have been falsely implicated in the instant case. The names of the applicants were disclosed by co-accused Aman Kumar Jaiswal and Raj Gupta in police custody. The said statements insofar as it implicate the applicants are unreliable. No amount has been credited in the account of the applicants. The applicants are not the beneficiary of the illicit transaction. At this stage, there is no cogent evidence to link the applicants with the offence. The applicants are in jail since 02.09.2023 having no criminal history and in case they are enlarged on bail, they will not misuse the said liberty.
5. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicants were not named in the first information report. The names of the applicants were disclosed by co-accused Aman Kumar Jaiswal and Raj Gupta in police custody. No amount has been credited in the account of

the applicants. The applicants are not the beneficiary of the illicit transaction. The applicants have no criminal antecedents. The applicants have remained confined for more than three months and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicants, 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 applicants are entitled to be enlarged on bail.

7. Let the applicants **Manoj Kumar Jaiswal and Premchandra Jaiswal**, involved in the 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 they:

- (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.

8. 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 :- 4.12.2023

Lbm/-