Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49310 of 2023

Applicant :- Salendra Alias Vishal
Opposite Party :- State of U.P.
Counsel for Applicant :- Anup Kumar Pandey
Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant and Sri V.P.Tripathi, learned AGA 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. 871 of 2015 under Sections 147, 148, 307, 323, 325, 504, 506 IPC and Section 4/25 Arms Act, Police Station Kolhuee, District Maharajganj, during the pendency of trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The role of assault has been assigned to co-accused Ram Prakash, Mahendra Singh and Raju Singh. The applicant has not been nominated as the offender, who caused the injuries to the three injured. It is next contended that there is a cross version of the incident. In the alleged incident mother of the applicant has also received injuries. The aggressor is still to be ascertained. The co-accused Shankar Chauhan has been granted bail by this Court vide order dated 27.11.2015 passed in Criminal Misc. Bail Application No.41454 of 2015. The applicant is in jail since 20.09.2023 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA 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 role of assault has been assigned to Ram Prakash, Mahendra Singh and Raju Singh. The applicant has not been nominated as the offender, who caused the injuries to the injured persons. There is a cross version of the incident. In the alleged incident mother of the applicant has also received injuries. At this stage, there is no clarity with regard to the role of the applicant. Further, the applicant has remained confined for more than two 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 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 **Salendra @ Vishal,** 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 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; and,

(iv) shall not leave district without the leave of 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 :- 4.12.2023
Lbm/-

Digitally signed by :-
LAL BAHADUR MAURYA
High Court of Judicature at Allahabad