

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49704 of 2023

Applicant :- Kushal @ Sadhu

Opposite Party :- State of U.P.

Counsel for Applicant :- Pankaj Dwivedi, Pravesh Kumar
Vishwakarma

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Pankaj Dwivedi, learned counsel for the applicant, learned AGA for the State and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 148 of 2023, under sections 392, 411, 413 IPC, Police Station Phaphamau, District Prayagraj, during the pendency of trial.
3. Counsel for the applicant submitted that the name of the applicant has come into light on the confessional statement of co-accused Shubham Kumar from which the samsung mobile of the informant was recovered and who named the accused on which basis the applicant is not dragged in this case. The case of the applicant is on the similar footing with the case of Shubham Kumar who has already been enlarged on bail by coordinate bench of this court on 8.11.2023 in CrI. Misc. Bail Application No. 47908 of 2023. There is no criminal history to the credit of the applicant. It is lastly contended that the applicant is in jail since 17.08.2023. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 03.10.2023. In case the applicant 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 regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6 Let the applicant, **Kushal @ Sadhu**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two 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.

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 :- 13.12.2023

RPD