

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50243 of 2023

Applicant :- Ashutosh Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Prem Prakash Yadav, Alok Singh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the records.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 237 of 2023, under Sections 364- A I.P.C., Police Station- Sarai Meer, District- Azamgarh, during pendency of the trial.
3. Counsel for the applicants submit that the applicant has been falsely implicated in the instant case. It is contended that neither the applicant was named in the F.I.R. nor was he involved in the commission of alleged crime. It is next contended that the informant, Vijay Maurya, has submitted a notary affidavit before the S.H.O., Sarai Meer, that the applicant was not involved in the incident. The co-accused Shyam Kumar Yadav, has been enlarged on bail in Crl. Misc. Bail Application No. 49293 of 2023 vide order dated 21.11.2023. The applicant has no criminal history to his credit. The applicant is in jail since 20.06.2023, 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 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, Ashutosh Yadav 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;
- 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 :- 7.12.2023

S.Verma