

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51530 of 2023

Applicant :- Deepak Gupta

Opposite Party :- State of U.P.

Counsel for Applicant :- Ramesh Chandra Agrahari

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. An affidavit of compromise has been filed by Sri Hardev Singh, counsel for the informant. The same is taken on record.
2. Heard counsel for the applicant, counsel for the informant and learned AGA for the State-opposite party.
3. 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. 17 of 2022, under Sections 420, 406, 467, 468, 471 of I.P.C., Police Station- Collectorganj, District- Kanpur Nagar, during the pendency of trial.
4. Counsel for the applicant contends that the applicant has been falsely implicated in the instant case. During the pendency of the investigation, the applicant and the informant entered into a compromise. Pursuant, thereto, the possession of the disputed floor had been handed over to the informant. At present, no dispute survives between the parties. 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.
5. Counsel for the informant does not dispute the aforesaid submissions and submits that he has no objection if bail is granted to the applicant.
6. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
7. Having heard counsel for the parties and having perused the record this Court prima facie finds that both the parties have entered into a compromise. At this stage, there is no substantive evidence against the applicant. Further, the applicant has no criminal antecedents and 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 merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant **Deepak Gupta**, 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.

9. 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 :- 8.12.2023

Sachin Mishra