

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50580 of 2023

Applicant :- Narendra Kumar Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Achyutanand Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant and Sri Prateek Tyagi, learned AGA for the State-respondent. However, no one appears on behalf of the opposite party no.2-Electricity Department.

2. The instant bail application under Section 439 Cr.P.C. has been filed with a prayer to enlarge the applicant on bail in S.S.T. No. 966 of 2020 arising out of Case Crime No. 275 of 2019, under Section 138 (1)b of Electricity Act, Police Station Saurikh, District Kannauj, during the pendency of trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the instant case. Section 138 of Electricity Act provides for maximum punishment for a term of 3 years. The applicant was not involved in the theft of electricity. The criminal history of the applicant has been explained in para 17 of the affidavit. The applicant is in jail since 05.09.2023 and in case he is enlarged on bail, he will not misuse the said liberty.

4. 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.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that at present, there is no substantive evidence against the applicant. The maximum punishment provided under the Act is for a term of three years. 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 merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant Narendra Kumar Singh, involved in the

aforesaid case 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; and,

(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 :- 28.11.2023

Lbm/-