

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50941 of 2023

Applicant :- Leelu

Opposite Party :- State of U.P.

Counsel for Applicant :- Ehtesham Akhtar

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Case diary produced by Sri Neeraj Kumar Sharma, learned A.G.A. for the State is taken on record.

2. Heard counsel for the applicant and learned brief holder 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. 477 of 2023, under Sections 420, 406, 506 I.P.C., Police Station- Tronika City, District- Ghaziabad, during the pendency of trial.

4. Counsel for the applicant submitted that the applicant has been falsely implicated in the present case. The applicant is neither the vendor nor the vendee of the alleged sale deed. No amount has been credited in the account of the applicant. The applicant is not a beneficiary of the illicit transaction. The case is purely civil in nature. The instant prosecution has been instituted only to harass the applicant. The criminal history of the applicant has been explained in para no. 2 of the supplementary affidavit. The applicant is in jail since 21.09.2023 and in case he is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record this Court prima facie finds that the applicant is neither the vendor nor the vendee of the alleged sale deed. No amount has been credited in the account of the applicant. At this stage, there is no substantive evidence against 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 merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Leelu**, 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.

8. 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

Aditya