

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51727 of 2023

Applicant :- Ankit Poonia

Opposite Party :- State of U.P.

Counsel for Applicant :- Hari Krishna Singh, Dharendra Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard learned counsel for the applicant and Sri Anupam Anand, learned Brief Holder for the State-respondent.

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. 197 of 2023, under Sections 419, 420, 467, 468, 471, 120-B, 34 IPC, Police Station Civil Lines, District Meerut, during the pendency of trial.

4. Counsel for the applicant submits that the applicant was not arrested at the spot. The applicant has been nominated as an accused in the first information report in pursuance of a statement of co-accused Udham Singh before the police authorities. The said statement insofar as it implicates the applicant is unreliable. No recovery of any incriminating article has been made from the applicant. The applicant is not a member of any solver gang. The applicant did not facilitate use of unfair means in the examination. The named co-accused Manoj Kumar has been granted bail by this Court vide order dated 27.07.2023 passed in Criminal Misc. Bail Application No. 32894 of 2023. Criminal history of the applicant has been explained in para 11 of the affidavit. The applicant is in jail since 25.09.2023 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 has been nominated as an accused in the first information report in pursuance of a statement of co-accused Udham Singh before the police authorities. Co-accused Manoj Kumar has been granted bail by this Court. 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 the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant **Ankit Poonia** 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.

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 :- 4.12.2023

Lbm/-