

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53081 of 2023

Applicant :- Aasiv

Opposite Party :- State of U.P.

Counsel for Applicant :- Radhey Shyam Shukla, Vipul Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard learned Counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and perused the record.
2. 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. 702 of 2023, under Sections 147, 148, 149, 323, 504, 506, 332, 333, 353, 307 I.P.C., Police Station- Banda, District- Shahjahanpur during pendency of the trial.
3. Counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the instant case. In the first information report seven named accused and 20 to 25 unknown persons are nominated. The name of the applicant surfaced during investigation. A vague and general role has been assigned to the applicant. It is next contended that identically co-accused Matroo and Praveen have been granted bail by this Court vide order dated 20.11.2023 and 8.11.2023 passed in Criminal Misc. Bail Application No.49191 of 2023 and 46198 of 2023 respectively. The applicant claims parity. The applicant does not have any criminal history. The applicant is in jail since 15.9.2023. 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 heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report. The name of the applicant surfaced during investigation. A vague and general role has been assigned to the applicant. Identically co-accused Matroo and Praveen have been granted bail by this Court. Further the applicant has presently remained confined for almost three months and 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 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.

6. Let the applicant, **Aasiv** 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 tamper 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 :- 12.12.2023
S.S.