

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13100 of 2023

Applicant :- Vishal

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Girish Kumar Pande, Brijendra Singh, Prashant Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Girish Kumar Pandey, the learned counsel for the applicant as well as Sri Manish Kumar Pandey, the learned A.G.A.-I for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 168 of 2023, under Section 436 I.P.C., registered at Police Station Alambagh, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 01.08.2023 against three persons, including the applicant, stating that about four days ago, the applicant had threatened to set the informant's shop ablaze and his shop was set ablaze in the wee hours on 01.08.2023 due to which fruits and other articles worth Rs. 3,50,000/- got burnt.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

5. The learned A.G.A.-I has opposed the bail application and he has submitted that it is recorded in the case diary that an independent witness Imran has stated that he had seen that the applicant was standing in front of the burning shop of the informant and he was alone.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the informant has not lodged any complaint regarding the alleged threat given by the applicant; that the F.I.R. alleges commission of offence by three persons whereas the alleged eye witness has

stated that the applicant was standing alone in front of the burning shop and no body has seen the applicant setting the shop ablaze, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 11.08.2023 and without making any observations which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

7. Accordingly, this bail application stands **allowed**.

8. Let the applicant- **Vishal** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the following conditions: -

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.)

Order Date :- 6.11.2023
Preeti.