

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13540 of 2023

Applicant :- Kalika Prasad

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

Counsel for Applicant :- Shashank Singh,Ritu Verma,Sarita

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

01. Heard Shri Shashank Singh, learned counsel for applicant and learned A.G.A. for the State.

02. The present bail application has been filed by the applicant seeking bail in case crime no.690 of 2023, under Section 3/5/25 Arms Act, P.S. Kotwali Sadar, District Lakhimpur Kheri.

03. As per prosecution case, on the basis of confidential information accused was apprehended and a number of illegally manufactured firearms and instruments being used for manufacturing thereof were recovered.

04. It is contended on behalf of the applicant that he has been falsely implicated in this case in a high handed manner by the police; there is no public witness of the recovery; the applicant is having no criminal history. It is further contended that whole prosecution story suffers from improbabilities.

05. The application for bail is opposed by learned A.G.A. highlighting the fact that a number of instruments for manufacture of firearm have been recovered and it is rather improbable that such recovery can be planted. However, it is conceded that the applicant is having no criminal antecedents and that he is in jail since 22.07.2023

06. I considered nature of the allegations, role ascribed to the applicant, contents of the recovery memo, the evidence proposed, the severity of punishment and all other facts and circumstances of the case. In my view, a case for bail is made out.

07. Let applicant - **Kalika Prasad** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) framing of charge and (ii) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present as well as permanent address of the accused as well as sureties shall also be

duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

08. Any violation of above conditions will be treated as misuse of bail and learned Court below will be at liberty to pass appropriate order.

09. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 17.11.2023

Asha