

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 55975 of 2023

Applicant :- Vipin

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Manoj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ashutosh Srivastava,J.

Heard Shri Manoj Kumar Singh, learned counsel for the applicant, learned AGA for the State-Respondents and perused the record.

This is the Second Bail Application under Section 439 Cr.P.C. has been moved on behalf of accused-applicant, Vipin, seeking enlargement on bail in Case Crime No. 219 of 2023, under Sections 354-A, 452, 506 of the Indian Penal Code, and Section 7/8 of the POCSO Act, Police Station Sambhal, District Sambhal. The First Bail Application of the applicant was rejected by the Coordinate Bench of this Court vide order dated 11.10.2023 passed in Criminal Misc. Bail Application No. 31672 of 2023.

Learned counsel for the applicant argued that the accused-applicant is innocent and he has been falsely implicated in this case crime number. The applicant is languishing in jail since 15.06.2022. He submits that as per High School Certificate the victim is major. Learned counsel for the applicant further submits that there is no injury, either internal or external, on the body of the victim. He submits that the applicant and the victim are neighbour and a dispute arose with regard to throwing of garbage lying in front of the house of the applicant. He submits that the applicant was not present at the spot and he has been falsely implicated in the aforesaid crime due to ulterior motive and old dispute between them. The applicant has no criminal antecedent and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. He further submits that the applicant is languishing in jail since more than two and half years and the trial is proceeding on a snail's pace. Out of 16 witnesses, only 3 witnesses have been examined and there is no likelihood of early conclusion of trial, hence, the bail has been prayed for.

Learned AGA has vehemently opposed, but could not dispute the fact that applicant has no criminal antecedents.

Considering all those facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima-facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is **allowed**.

Let the accused-applicant, **Vipin**, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

Order Date :- 20.12.2024

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