

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39805 of 2024

Applicant :- Mohar Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashish Goyal, Hans Nath Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Ashutosh Srivastava, J.

Heard learned counsel for the applicant, learned AGA for the State-respondents and perused the record.

This bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been moved on behalf of accused-applicant, Mohar Singh, seeking enlargement on bail in Case Crime No. 154 of 2024, under Sections 190, 191 (2), 193 (3), 121 (2), 135, 109 (1), 352, 351, (3) of the Bharatiya Nyaya Sanhita, 2023, Section 3/5 Public Property Damage Act, 7 Criminal Law Amendment Act, and Section 3 (1), 58 U.P. Minor Minerals (Concession) Rules, 2021 Police Station Kheragarh, District Agra.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 8.9.2024. Learned counsel for the applicant submits that applicant is a farmer and he used his tractor for agricultural work. But the police has falsely implicated the applicant with mala fide and malicious intention to fulfill their ulterior motive as well as to black mail him with intention to siphon the money from him. As alleged by the Police the incident had taken place at a highly density area, but no independent eye witness was associated as witness of the occurrence. Applicant was arrested from the spot along with co-accused Mukesh Agarwal. Learned counsel for the applicant submits that co-accused Mukesh Agarwal has already been enlarged on bail by this Court on 2.12.2024 in Criminal Misc. Bail Application No. 38235 of 2024. Rs. 4 lakh shown by the Police at the time of arrest, belongs to the applicant. He had carried the aforesaid amount for purchase of land, but when he was coming from the market from his car with co-accused Mukesh Agarwal, he was arrested. The applicant has three cases of criminal history and the same has satisfactorily been explained in the affidavit filed in

support of bail application and also in supplementary affidavit. There is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Learned AGA has vehemently opposed the prayer for bail.

Considering all above 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, **Mohar Singh**, 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 :- 19.12.2024

Ravi Prakash

(Ashutosh Srivastava, J.)