

**Court No. - 44**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 8924 of 2019

**Applicant :-** Vinod Sharma

**Opposite Party :-** State Of U.P.

**Counsel for Applicant :-** Mahendra Tripathi

**Counsel for Opposite Party :-** G.A.

**Hon'ble Arvind Kumar Mishra-I,J.**

Supplementary affidavit filed on behalf of the applicant is taken on record.

Heard learned counsel for the applicant as well as learned A.G.A. for the State of U.P and perused the material available on record.

Applicant claims to be the marginal witness of this case and that was inserted due to fact that he happens to be working servant in the shop of Dinesh Shah. He is not the direct beneficiary of the transaction and his case is very much distinguishable from the vendor and the vendee to whom no responsibility lies upon them. He being a witness. In case, the applicant is admitted to bail, there is no possibility of his absconding or misusing the liberty of bail. The applicant has no criminal history and is languishing in jail since 10.12.2018.

Learned A.G.A. has opposed prayer for bail. However, he has not disputed the aforesaid facts.

Without entering into merit of the case but considering the facts and circumstances of the case, nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with witness or apprehension of threat to the complainant and prima facie satisfaction of the Court in support of the charge, the applicant is entitled to be released on bail.

Accordingly, bail application is **allowed**.

Let the applicant - **Vinod Sharma** involved in Case Crime No. 799 of 2014, under Sections - 420, 467, 468, 471 I.P.C., Police Station - Atmaddaula, District - Agra be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned.

It is made clear that the advantage of this bail shall not go to the vendor and vendee of this case.

**Order Date :-** 28.2.2019

S Rawat