

Court No. - 34

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39177 of 2015

Applicant :- Robin

Opposite Party :- State Of U.P.

Counsel for Applicant :- Birendra Singh Khokher, Sunil Kumar, Kaushtubh Srivastava

Counsel for Opposite Party :- G.A., R K Singh

Hon'ble Sudhir Agarwal, J.

1. Heard Sri Kaushtubh Srivastava, learned counsel for applicant and learned A.G.A. for State.
2. The present bail application has been moved by the accused-applicant for enlarging him on bail in Case Crime No.186 of 2014, under Sections 147, 148, 149, 302, 506, 120 B, 404 I.P.C., Police Station-Ahmedgarh, District-Bulandshahar.
3. Learned counsel for applicant stated that co-accused Yashpal has been enlarged on bail by order dated 01.04.2015 passed in Criminal Misc. Bail Application No.10726 of 2015 and co-accused Anil has been granted bail vide order dated 30.03.2017 in Criminal Misc. Bail Application No.4042 of 2017. Applicant is innocent and he has been falsely implicated. Role assigned to applicant is similar to that of co-accused Yashpal and prayer for bail is made for applicant on ground of parity. There are no chances of applicant of fleeing away from judicial process or tampering with prosecution evidence. He undertakes to appear personally on each and every date and also not seek any unnecessary adjournment during trial. The applicant is in jail since 13.11.2014 and trial is still going on. In case, he is enlarged on bail, he will not misuse liberty of bail.
4. Learned A.G.A. has opposed the prayer for bail.
5. Considering the facts and circumstances of the case, without expressing any opinion on merits of the case, I think it appropriate to release applicant on bail.
6. The application is allowed.

7. Let applicant, Robin, involved in Case Crime No.186 of 2014, under Sections 147, 148, 149, 302, 506, 120 B, 404 I.P.C., Police Station-Ahmedgarh, District-Bulandshahar. be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with following conditions:

- (i) The applicant will not temper with the evidence during trial.
- (ii) The applicant will not pressurize/intimidate the prosecution witness.
- (iii) The applicant will appear before Trial Court on the date fixed.
- (iv) The applicant shall report to the Police Station concerned in the first week of each month to show his good conduct and behaviour.

8. In case of breach of any of above conditions by applicant, the Court below shall be at liberty to cancel his bail.

Order Date :- 30.4.2019
Manish Himwan