

**Court No. - 12**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 4099 of 2023

**Applicant :-** Dinesh Kumar @ Kharaha

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

**Counsel for Applicant :-** Sukh Deo Singh, Paritosh Shukla

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

**Hon'ble Karunesh Singh Pawar, J.**

Heard learned counsel for the applicant, learned Additional Government Advocate for the State and perused the record.

Learned counsel for the applicant submits that the applicant has been falsely implicated. Charge-sheet in the matter has already been filed. The applicant has no previous criminal history. The applicant is in jail since 19.11.2022.

It is further submitted that there is no possibility of the applicant of fleeing away after being released on bail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

The co-accused Tauheed Ahmad has been enlarged on bail vide order dated 24.2.2023 passed in Bail Application No.2852 of 2023.

Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

Considering the facts and circumstances of the case, the fact that the applicant has no criminal history and charge-sheet in the matter has already been filed, co-accused has already been released on bail, confessional statement of the applicant, arguments advanced by learned counsel for the parties, the period for which he is in jail and without expressing any opinion on the merits of the case, I find it to be a fit case for enlarging the applicant on bail.

Let the applicant Dinesh Kumar alias Kharaha, involved in Case Crime No.465 of 2022 under sections 419, 420, 467, 468, 471, 120-B I.P.C., P.S. Kadipur, district Sultanpur, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned

with the following conditions which are being imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

(iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(vi) In case the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

The bail application is allowed accordingly.

**Order Date :- 3.5.2023**

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