

Virendra Alias Bablu And Another vs State Of U.P. on 31 January, 2025

Author: Ajay Bhanot

Bench: Ajay Bhanot

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14753

Court No. - 5

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3028 of 2025

Applicant :- Virendra Alias Bablu And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Brijesh Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

Matter is taken up in the revised call.

By means of this bail application the applicants have prayed to be enlarged on bail in Case Crime No. 23 of 2023 at Police Station- Bamrauli Katara, District- Agra under Sections 147, 148, 149, 302, 323, 504, 506 IPC. The applicants are in jail since 03.01.2025.

The bail application of the applicants were rejected by the learned trial court on 09.01.2025.

The following arguments made by Shri Brijesh Kumar Srivastava, learned counsel on behalf of the applicants, which could not be satisfactorily refuted by Shri Chandan Agarwal, learned AGA-I from the record, entitle the applicants for grant of bail:

1. The applicants were not named in the FIR.
2. After thorough investigations, no implicative evidence was found against the applicants. The applicants were not chargesheeted and a final report was filed in their favour.
3. The applicants were nominated in a false testimony made by an interested witness before the trial court in proceedings taken out under Section 319 Cr.P.C. during the course of trial.
4. The applicants have no criminal history apart from the instant case.
5. The applicants are not a flight risk. The applicants being a law abiding citizen have always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of their influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicants- Virendra Alias Bablu and Surendra Singh @ Suresh be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

- (i) The applicants will not tamper with the evidence or influence any witness during the trial.
- (ii) The applicants will appear before the trial court on the date fixed, unless personal presence is exempted.

The learned trial court is directed to fix the sureties after due application of mind in light of the judgement passed by this Court in Arvind Singh v. State of U.P. Thru. Prin. Secy. Home Deptt. (Application U/S 482 No.2613 of 2023).

The learned trial court shall ensure that the right of bail of the applicants granted by this Court is not frustrated by arbitrary demands of sureties, or onerous conditions which are unrelated to the socioeconomic status of the applicants.

Order Date :- 31.1.2025 Jaswant