

Nemichandra vs State Of U.P. on 2 January, 2025

Author: Ashutosh Srivastava

Bench: Ashutosh Srivastava

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:233

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44092 of 2024

Applicant :- Nemichandra

Opposite Party :- State of U.P.

Counsel for Applicant :- Indra Raj

Counsel for Opposite Party :- G.A.

Hon'ble Ashutosh Srivastava,J.

Heard Shri Ashish Goyal, learned counsel for the applicant, Sri Arimardan Yadav, 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, Nemichandra, 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 and 3/5 Prevention of Damages to Public Property Act and 7 Criminal Law Amendment Act and 3(1), 58 Uttar Pradesh Sub-Mineral (Removal) 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 09.09.2024. He has no criminal antecedent and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Learned counsel for the applicant submits that the applicant is not named in the FIR. Applicant's name disclosed in the statement of the co-accused. No specific role has been assigned to the 87applicant. Nothing incriminating has been recovered from the possession of the applicant. No useful purpose would be served by detaining the applicant. Learned counsel for the applicant submits that co-accused Mukesh Kumar Agarwal has already been enlarged on bail by this Court on 2.12.2024 in Criminal Misc. Bail Application No. 38235 of 2024. 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, Nemichandra, 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 :- 2.1.2025 Ravi Prakash (Ashutosh Srivastava, J.)