

Nimish Alias Nimish Singhal vs State Of U.P. on 1 April, 2025

Author: Manju Rani Chauhan

Bench: Manju Rani Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44830

Court No. - 52

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 37565 of 2024

Applicant :- Nimish Alias Nimish Singhal

Opposite Party :- State of U.P.

Counsel for Applicant :- Vivek Kumar Maheshwari

Counsel for Opposite Party :- G.A.,Sandeep Mishra,Vishvendra Singh

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Vivek Kumar Maheshwari, learned counsel for the applicant, Mr. Sandeep Mishra, learned counsel for the informant as well as Mr. Amit Singh Chauhan, learned A.G.A. for the State.

The instant bail application has been filed on behalf of applicant, Nimish @ Nimish Singhal with a prayer to enlarge him on bail in Case Crime No.0803 of 2023, under Sections 147, 323, 504, 506, 342, 386, 34 and 120-B I.P.C., Police Station- Nandgram , District- Ghaziabad, during the pendency of the trial.

Learned counsel for the applicant submits that this is second bail application filed by the applicant. The first bail application was rejected by this Court vide order dated 01.03.2024 passed in Criminal Misc. Bail Application No.8438 of 2024 (Nimish @ Nimish Singhal vs. State of U.P.). While pressing

the second bail application, learned counsel for the applicant submits that from the recovery memo, it is clear that only offence under Section 411 I.P.C. is made out against the applicant. From the lower court itself, the main accused namely Ishan Tyagi alias Vasu Tyagi has already been enlarged on bail vide order dated 01.01.2025 passed by learned Additional Session Judge, Court No.6, Ghaziabad. He further submits that the applicant was not present in the Scorpio car. The applicant has no criminal history. The applicant is languishing in jail since 21.10.2023. In case, he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial by all means. Lastly, it is submitted that there is no chance of applicant fleeing away from judicial process or tampering with the witnesses.

Learned counsel for the opposite party no.2 as well as learned AGA for the State have vehemently opposed the bail prayer stating therein that the aforesaid arguments as placed by learned counsel for the applicant do not constitute any new ground as the same has already been considered by the Court while rejecting the first bail, therefore, he is not entitled to be released on bail. They further contend that bail cancellation has already been moved before the court concerned for cancelling the bail of main accused Ishan Tyagi alias Vasu Tyagi.

Considering the submissions advanced by learned counsel for the parties, nature of the offence and perusal of the material/evidence brought on record, complicity of the accused and severity of punishment, no new ground is found to exercise the discretion in favour of the accused-applicant. Thus, the bail application stands rejected.

Order Date :- 1.4.2025 Kalp Nath Singh