

Vikki @ Chandan Jaiswar 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:335

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42174 of 2024

Applicant :- Vikki @ Chandan Jaiswar

Opposite Party :- State of U.P.

Counsel for Applicant :- Abhishek Mishra,

Counsel for Opposite Party :- G.A.

Hon'ble Ashutosh Srivastava,J.

Heard Shri Abhishek Mishra, learned counsel for the applicant, Shri D.P.S. Chauhan, 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, Vikki @ Chandan Jaiswar, seeking enlargement on bail in Case Crime No. 226 of 2024, under Sections 109, 3 (5) of the Bharatiya Nyaya Sanhita, 2023, Police Station Lalpur/Pandeypur, District Varanasi.

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 1.7.2024. Learned counsel for the applicant submits that applicant was not named in the FIR. No independent witness was associated by the Police. No recovery was made from the possession of the applicant. No test identification parade was got conducted by the Investigating Officer. The criminal history of applicant has satisfactorily been explained in the affidavit filed in support of bail application. There

is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Learned AGA has vehemently opposed the prayer for bail, but could not dispute the fact that co-accused has been enlarged on bail by this Court.

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, Vikki @ Chandan Jaiswar, 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.)