

# Naresh vs State Of U.P. on 3 March, 2025

**Author: Vivek Varma**

**Bench: Vivek Varma**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29944

Court No. - 67

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3706 of 2025

Applicant :- Naresh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ravindra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant, Sri V. P. Tripathi, learned A.G.A. for the State-opposite party.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 310 of 2023, under Sections 394, 342, 457, 411, 34 I.P.C., Police Station Mundha Pandey, District Moradabad, during the pendency of the trial.
3. Learned counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the instant case. The name of the applicant and another co-accused was disclosed by co-accused Vinod Kashyap in police custody. The said statement, insofar as it implicates the applicant, is unreliable. False recovery of ornaments of yellow

and white metal and Rs.7500/- has been shown from the joint possession of applicant and another co-accused. There is no independent witness to the alleged recovery. It is next contended that identically placed co-accused Rashid has been granted bail by this Court vide order dated 28.8.2024 passed in Criminal Misc. Bail Application No.29441 of 2024. The criminal history of the applicant has been explained in paragraph no.19 of the bail application. The applicant is in jail since 22.10.2024 and if he is released on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that applicant was not named in the first information report. The name of the applicant was disclosed by co-accused Vinod Kashyap in the police custody. There is no independent witness to the alleged recovery. Identically placed co-accused Rashid has been granted bail by this Court. Moreover, the applicant has remained confined for more than four months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Naresh, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 3.3.2025 Manish Kr