

Sumit Chauhan vs State Of U.P. on 1 April, 2025

Author: Ashutosh Srivastava

Bench: Ashutosh Srivastava

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44586

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8122 of 2025

Applicant :- Sumit Chauhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Nanhe Lal Tripathi, Satish Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Ashutosh Srivastava, J.

Counter affidavit filed in the Court today is taken on record.

Heard learned counsel for the applicant, Sri S.K. Ojha, learned AGA-I 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, Sumit Chauhan, seeking enlargement on bail in Case Crime No. 637 of 2024, under Sections 318(4), 336(3), 338, 317(2), 317(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3/25 Arms Act, Police Station- Pilkhuwa, District- Hapur.

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 02.12.2024. Learned counsel for the applicant submits that the applicant is whole sole guardian of his family member. The articles mentioned in the recovery memo are totally false and planted as there is no independent witness of the alleged recovery. He has criminal antecedent of forty nine cases including the present case and the same are reflected in Annexure C.A.-2 of the counter affidavit. The applicant has explained his criminal history. 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 keeping in view the criminal antecedents of the applicant.

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, Sumit Chauhan, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two heavy sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions. Further, before issuing the release order, the sureties be verified.

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.
5. The applicant will record his presence in the concerned Police Station fortnightly (every 15 days from the date of release) till conclusion of trial.

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 :- 1.4.2025 Anjali