

Gopal Vishwakarma 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:29790

Court No. - 67

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40732 of 2024

Applicant :- Gopal Vishwakarma

Opposite Party :- State of U.P.

Counsel for Applicant :- Pankaj Kumar Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Supplementary affidavit filed by counsel for the applicant is taken on record.
2. Heard counsel for the applicant and Sri V.P. Tripathi, learned AGA for the State-opposite party. Perused the record.
3. The instant bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 228 of 2024, under Sections 457, 380, 411 of I.P.C., Police Station Bhelupur, District Varanasi, during the pendency of the trial.
4. Counsel for the applicant submits that the applicant was not named in the first information report. The applicant was arrested on 5.9.2024 along with three other co-accused and has been

falsely implicated in the present case. False recovery of ornaments of yellow and white metal and Rs.5600/- has been shown from the applicant. There is no independent witness to the alleged recovery. Identically placed co-accused Ankit alias Komal alias Omkar Sonkar has been granted bail by this Court vide order dated 6.2.2025 passed in Criminal Misc. Bail Application No.43062 of 2024. The applicant claims parity. The criminal history of the applicant has been explained in paragraph no. 3 of the supplementary affidavit. The applicant is in jail since 05.09.2024 and in case, he is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record this Court prima facie finds that the applicant was not named in the first information report. There is no independent witness to the alleged recovery. Identically placed co-accused Ankit alias Komal alias Omkar Sonkar has been granted bail by this Court. Further, the applicant has remained confined for almost six months and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when 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, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant Gopal Vishwakarma, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two heavy sureties (in view of criminal history) each in the like amount to the satisfaction of the 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;

(iii) shall not pressurize the prosecution witnesses.

8. 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