

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10173 of 2023

Applicant :- Sujeet Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Shamasul Eslam, Ashwani Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 397 of 2022 at Police Station- Pataherwa, District- Kushinagar under Sections 504, 506, 386 IPC, Section 66 Information Technology Act and Section 3/25 Arms Act. The applicant is in jail since 21.10.2022.

The bail application of the applicant was rejected by the learned trial court on 21.12.2022.

The following arguments made by Shri Shamasul Eslam, learned counsel assisted by Sri Ashwani Kumar, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by learned AGA from the record, entitle the applicant for grant of bail:

(1). The applicant holds constitutional dignitaries in highest regard.

(2). The applicant did not have any intent of insulting high constitutional dignitaries.

(3). The applicant was induced into drinking by the co-accused persons and may have blurted out some objectionable words under the influence of liquor.

(4). The video was captured and circulated without knowledge and consent of the applicant.

(5). Prosecution evidence does not connect the applicant with the offence.

(6). The applicant does not have any criminal history apart from the instant case.

(7). The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Sujeet Sharma be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 2.3.2023
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