

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 30295 of 2023

1. Applicant :- Rahul Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Girish Tiwari

Counsel for Opposite Party :- G.A.

2. Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32275 of 2023

Applicant :- Arvind Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Vinod Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Since these bail applications arise out of same case crime number, they have been heard together and are being decided by a common order. Criminal Misc. Anticipatory Bail Application No. 30295 of 2023 is being treated as a leading case.

2. Heard learned counsel for the applicants, learned A.G.A for the State and perused the record.

3. It is submitted by learned counsel for the applicants that the applicants are innocent and have been falsely implicated in the present case. They have not committed the present offence. It is further submitted that though the recovery of electric wire is shown from the vehicle of the applicant Rahul Singh but the police has planted the said wire in the said vehicle. There is no independent witness of the alleged recovery whereas the said recovery is said to be made from a public place. It is further submitted that the applicant Arvind Singh is only alleged to be sitting in the vehicle when the alleged recovery was made by the police. They are languishing in jail since 12.6.2023 and in case they are released on bail, they will not misuse the liberty of bail and will cooperate in trial.

4. On the other hand, learned AGA opposed the prayer for bail.

5. In this case, perusal of the record reveals that electric wire

measuring 1005 mtrs. was found stolen and same is said to be recovered from the vehicle of the applicant Rahul Singh. F.I.R. was lodged against unknown persons. Hence, keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties, the dictum of Apex Court in the case of ***Dataram Singh vs. State of U.P. and another, (2018) 3 SCC 22*** and without expressing any opinion on the merits of the case, the Court is of the view that the applicants have made out a case for bail. The bail application is allowed.

6. Let the applicants **Rahul Singh** and **Arvind Singh** involved in Case Crime No. 124 of 2023, under Sections 379, 411, 413, 414 IPC, P.S. Shahbad, District - Rampur be released on bail on furnishing each a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

i. The applicants will not tamper with the evidence during the trial.

ii. The applicants will not pressurize/ intimidate the prosecution witness.

iii. The applicants will appear before the trial court on the date fixed, unless personal presence is exempted.

iv. The applicants shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected.

v. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

8. Copy of this order be also placed on the record of Criminal Misc. Bail Application No. 32275 of 2023.

Order Date :- 16.10.2023

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