

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32293 of 2023

Applicant :- Rajeev Sharma @ Raju Goli

Opposite Party :- State of U.P.

Counsel for Applicant :- Satish Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Rejoinder affidavit to the counter affidavit filed by the learned A.G.A. for the State is taken on record.

2. Heard counsel for the applicant and learned AGA for the State.

3. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 196 of 2023, under Section 413, 420, 467, 468, 471, 34 I.P.C., Police Station-Hariparvat, District- Agra.

4. Counsel for the applicant contends that the applicant has been falsely implicated in the instant case. False recovery of a Maruti Brezza Car and two Aadhar Cards has been shown from the joint possession of the applicant and co-accused, Nand Lal @ Nandu. There is no independent witness to the alleged recovery. It is next contended that identically placed co-accused, Nand Lal @ Nandu, has been granted bail by this Court in Criminal Misc. Bail Application No. 32645 of 2023 vide order dated 18.08.2023. The applicant claims parity. The criminal history of the applicant has been explained in paragraph no. 10 of the affidavit. The applicant is in jail since 24.07.2023 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 there is no independent witness to the alleged recovery. Identically placed co-accused, Nand Lal @ Nandu, has been granted bail by this Court. Further, the applicant has remained confined for more than four months 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, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Rajeev Sharma @ Raju Goli** involved in the aforesaid case be released on bail on his furnishing a personal bond and two **heavy** sureties each in the like amount to the satisfaction of the court concerned subject to 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;

(iv) shall appear on the first Sunday of every month at the Police Station concerned.

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 :- 7.12.2023

Aditya