

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32883 of 2023

Applicant :- Deependra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Shiv Bahadur Yadav, Jai Singh Parihar

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The first information report was lodged with regard to theft of a bag.
3. It is argued by learned counsel for the applicant that the applicant is a clerk of the informant. The applicant was not named in the first information report. His implication in the present case is based only upon his own confessional statement, which was recorded by the police when he was taken into custody. He is absolutely innocent and has been falsely implicated in the present case due to some ulterior motive. No incriminating article or material has been recovered either from the applicant or on his pointing out. The recovery which has been allegedly shown from the applicant is totally fake and false. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 30.5.2023.
4. Learned AGA has opposed the bail application.
5. Considering the statement made at the Bar and the fact that the FIR in question was lodged against unknown persons, considering that the implication of the applicant in the present case is based only upon his confessional statement, the applicant is entitled to be enlarged on bail on the ground of parity. In view thereof, the application is allowed.
6. Let the applicant **Deependra Singh** be released on bail in FIR No. 85 of 2023, under Sections 394, 411 and 120B I.P.C., P.S. Poonch, district-Jhansi, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 1.11.2023

Faridul