

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 37563 of 2023

Applicant :- Chandrakesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Brijesh Kumar Srivastava, Mukul Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the material on record.

2. It is alleged in the F.I.R. that two unknown persons committed robbery with the informant and took away his mobile phone. F.I.R. was lodged on 03.04.2023 and investigation started.

3. Learned counsel for the applicant has submitted that the applicant is not named in the F.I.R. and a forged recovery of the said mobile has been shown by the police from the possession of the present applicant. It is further submitted that it is a case of false implication and there is no independent witness of the alleged recovery whereas the recovery is said to have been made from public place. It is next submitted that alleged mobile phone has been planted by the police and no incriminating article has been recovered from the possession of the applicant. He next submits that the applicant is in jail since 11.07.2023 and if he is released on bail, he will not misuse the liberty of bail.

4. Learned AGA for the State vehemently opposed the prayer of bail.

5. Upon hearing the learned counsel for the parties and upon the perusal of the record and considering the complicity of accused, severity of punishment as well as totality of facts and circumstances, at this stage, without commenting on the merits of the case, I find it a fit case for bail. The bail application is allowed.

6. Let applicant- **Chandrakesh** be released on bail in Case Crime No. 272 of 2023, under Sections 392, 411 IPC, registered at P.S. Tajganj, District Agra, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of

Magistrate/Court concerned, subject to the following conditions:

(i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

(ii) The applicant will abide by the orders of the court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant will not indulge in any unlawful activity.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever.

7. The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

Order Date :- 16.10.2023

Shivangi