

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42099 of 2023

Applicant :- Sanju Raja

Opposite Party :- State of U.P.

Counsel for Applicant :- S.P.S. Chauhan, Sukhendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Sukhendra Singh, learned counsel for the applicant, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.134 of 2023, under Sections 395, 412, 120B IPC, Police Station Mehrauni, District Lalitpur, during the pendency of trial.

3. It is argued by the learned counsel for the applicant that the present applicant has been falsely implicated in the present case. The applicant was not named in the FIR. His name has come into picture in the confessional statement of co-accused and on 04.07.2023 the applicant was arrested with other co-accused persons and some ornaments were recovered alongwith a country-made pistol of 12 bore. He was implicated in this case on the ground that the alleged recovered items were relating to the present case. Learned counsel for the applicant further contends that no identification of the materials has been taken place in accordance with rules. The co-accused persons, Sachin @ Sacchu and Neelesh Prajapathi having similar role have been enlarged on bail by co-ordinate Benches of this Court vide order dated 21.09.2023 passed in Criminal Misc. Bail Application No.40007 of 2023 and the order dated 03.10.2023 passed in Criminal Misc. Bail Application No.40004 of 2023 and, therefore, he claims parity. There is criminal history of five cases against the applicant which has been explained in paragraph-21 of the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 04.07.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Sanju Raja**, involved in the aforesaid case crime be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that she:

(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.

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.

Order Date :- 17.10.2023

Shahroz