

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44102 of 2023

Applicant :- Ravindra Kumar Manjhi @ Robin @ Terenam

Opposite Party :- State of U.P.

Counsel for Applicant :- Anand Kumar Mishra, Rajiv Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Anand Kumar Mishra, learned counsel for the applicant, Ms. Ifrah Islam, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.172 of 2023, under Sections 379 and 411 I.P.C., Police Station Govind Nagar, District Mathura, during the pendency of trial.
4. As per prosecution story, the FIR was instituted against unknown persons regarding the robbery committed with the informant on 11.06.2023.
5. Learned counsel for the applicant has stated that the applicant and co-accused person Deepak Tiwari @ Deepu @ Cheeka were arrested by the police and have been falsely roped in the present case on the basis of certain recovery foisted on them. Learned counsel has further stated that the criminal history of three cases assigned to the applicants stands explained vide supplementary affidavit. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. The applicant is languishing in jail since 17.06.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Learned A.G.A. has vehemently opposed the bail application on the ground that a case under U.P. Gangsters Act has also been instituted against the applicant.
7. In rebuttal, learned counsel for the applicant has stated that the applicant shall apply under the provisions of Gangsters Act after the disposal of the present bail application.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

9. Let the applicant- **Ravindra Kumar Manjhi @ Robin @ Terenam**, who is involved in aforementioned case crime be released on bail on his furnishing 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 applicant shall not tamper with evidence.

(ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 15.12.2023

Ravi Kant

(Krishan Pahal, J.)