

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42775 of 2023

Applicant :- Rahul Bavaria

Opposite Party :- State of U.P.

Counsel for Applicant :- Harsh Vardhan Shastri

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, and learned A.G.A. for the State and perused the records.
2. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 782 of 2022, under Sections 392, 411 I.P.C, Police Station Kotwali City, District Bijnor, during pendency of the trial.
3. Learned counsel for the applicant submitted that there is no recovery of stolen article. Though a sum of Rs. 27,900/- has been recovered from the applicant but it has not been established that it is the consideration money of the sale of stolen property. Learned counsel for the applicant further submitted that co-accused Vikas Kashyap has already been enlarged on bail by the coordinate Bench of this Court vide order dated 28.10.2023 passed in Criminal Misc. Bail Application No. 42884 of 2023. The applicant is languishing in jail since 14.11.2022, in case he is enlarged on bail, he will not misuse the said liberty, and there is no likelihood of abscondence or tampering with evidence.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.
6. Let the applicant, **Rahul Bavaria**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

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 :- 2.11.2023

Vikram