

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43163 of 2023

Applicant :- Hanuman Mishra

Opposite Party :- State of U.P.

Counsel for Applicant :- Vimal Kumar Dwivedi, Arvind Kumar Maurya

Counsel for Opposite Party :- G.A., Amit Daga, Keshari Nandan Singh

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA; Shri Amit Daga, learned counsel for the complainant and perused the record.

2. The FIR in question was lodged alleging that 9 named and 30 - 40 unnamed persons were engaged in demanding money for release of trucks at the rate of Rs.200/- per truck. Based upon the said, the applicant alongwith other co-accused were apprehended. It is a common ground that the co-accused have been enlarged on bail by the trial Court, however, the bail application of the applicant was rejected solely on the ground that the criminal antecedent existed in the case of the applicant. The criminal antecedents have been duly explained in Para - 18 of the bail application; the cases against the applicant are not serious in nature and in most of the cases, the applicant is on bail except the cases where he has not been summoned and one case which is pending at Madhya Pradesh of which the applicant has no knowledge.

3. Learned AGA has opposed the bail application.

4. Considering the fact that the co-accused have been granted bail, the applicant is entitled to be enlarged on bail. In view thereof, the application is ***allowed***.

5. Let the applicant ***Hanuman Mishra*** be released on bail in FIR No.80 of 2023, under Section 147, 148, 149, 323, 504, 506, 364, 386 IPC & Section 3 Prevention of Damage to Public Property Act, P.S. Jalalpur, District Hamirpur 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 :- 6.11.2023

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