

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43094 of 2023

Applicant :- Ajay Patel

Opposite Party :- State of U.P.

Counsel for Applicant :- Sudarshan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. The F.I.R. in question was lodged against the unknown person. Subsequently, the applicant was inflicted in the offence in question, on the basis of recovery which is also not in accordance with Section 100 Cr.P.C.
3. It is argued by the learned Counsel for the applicant that based upon implication of the applicant in case crime No. 229 of 2022, he has been linked with the present case. the applicant has been enlarged on bail in case crime No.229 of 2023 vide order dated 18.10.2023.
4. In view of the submissions that the recovery was not in accordance with Section 100 of Cr.P.C. and the applicant has been enlarged in the main case, the applicant is entitled to be released on bail.
5. Learned A.G.A. vehemently opposed the bail prayer.
6. There is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the trial and without expressing any opinion on merit, I am of the view that the applicant is entitled to be released on bail.
7. Accordingly, the bail application is ***allowed***.
8. Let the applicant - Ajay Patel be released on bail in Case Crime No.228 of 2023, under Sections - 457/380/411 of IPC, P.S. - Mughalsarai, District - Chandauli, on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the 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

Irshad