

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43522 of 2023

Applicant :- Rajeev

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant and learned AGA for the State-respondent.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.0835 of 2022, under Sections 380, 457 IPC, Police Station Kalyanpur, District Kanpur Nagar, during the pendency of trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He is not named in the FIR. The alleged recovered articles have not been properly identified in accordance with law. It is also contended that there is criminal history of one case against the applicant in which he has been enlarged on bail which has been explained in paragraph-11 of the affidavit filed in support of the bail application. It is further contended that criminal history of five cases has also been shown against the applicant which were registered subsequent to this case which has been mentioned in paragraph-10 of the said affidavit. There is no independent witness to the recovery. There is no likelihood of abscondence or tampering with the evidence. The applicant is in jail since 22.12.2022. In case he is enlarged 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 - **Rajeev**, involved in the aforesaid case 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 the conditions that he:

(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 :- 7.11.2023

Shahroz