

**Court No. - 74**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 44663 of 2023

**Applicant :-** Ramanand Lodhi

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Roopesh Kumar Mishra

**Counsel for Opposite Party :-** G.A.

**Hon'ble Vivek Varma,J.**

1. Heard learned counsel for the applicant and Sri Trateek Tyagi, learned AGA for the State-respondent.

2. The instant bail application under Section 439 Cr.P.C. has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 196 of 2023, under Sections 411, 413, 414, 419, 420, 467, 468, 471 IPC, Police Station Radha Nagar, District Fatehpur, during the pendency of trial.

3. Counsel for the applicant submits that the applicant was not arrested at the spot. The applicant was nominated as an accused in the first information report in pursuance of a statement of co-accused Shivam Sharma, Prashant Shukla, Vikas Kumar Gupta and Farukh Ali before the police authorities. The said statements insofar as it implicate the applicant is unreliable. Recovery of seven motorcycles has been shown from the joint possession of the applicant and other co-accused persons. The alleged recovery is false and planted. There is no independent witness to the recovery. It is next contended that the co-accused Farukh Ali has been granted bail by this Court in Criminal Misc. Bail Application No. 46238 of 2023 vide order dated 02.11.2023. The applicant claims parity. Prior to the instant case the applicant does not have any criminal history, however, after his arrest he has been implicated in other cases. The applicant is in jail since 30.07.2023 and 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 heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not arrested at the spot. The applicant was nominated as an accused in the first information report in pursuance of a statement of co-accused Shivam Sharma, Prashant Shukla, Vikas Kumar Gupta and Farukh Ali before the police authorities. The co-accused Farukh Ali has been granted bail by this Court. Further, the

applicant has remained confined for more than three months and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Ramanand Lodhi**, 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; and,

(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**

Lbm/-