

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44814 of 2023

Applicant :- Mahendra @ Monu

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Singh Sengar

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The FIR in question was lodged against unknown persons, alleging therein that some unknown persons have looted the motorcycle and two mobile phones of the applicant and his friend when they were going to Prithvipur for repairing their mobile phones. After commit loot the accused persons fled away from the spot.
3. It is argued that the applicant was not named in the first information report and on the basis of a false recovery of motorcycle and two mobile phones, which was made after 18 days of the incident the applicant was arrested by the police from his house. He next submits that no incriminating article or material has been recovered either from the applicant or on his pointing out. The alleged recovery, which is said to have been made by the police is false one. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 5.8.2023.
4. Learned AGA has opposed the bail application.
5. Considering the fact that the FIR in question was lodged against unknown persons and the applicant has no criminal history and the recovery is not in terms of mandate of Section 100 Cr.P.C., the applicant is entitled to be enlarged on bail. In view thereof, the application is allowed.
6. Let the applicant **Mahendra @ Monu** be released on bail in FIR No. 69 of 2023, under sections 394 and 411 I.P.C., P.S. Katera, district-Jhansi, 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 :- 1.11.2023

Faridul