

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45923 of 2023

Applicant :- Dharamveer

Opposite Party :- State of U.P.

Counsel for Applicant :- Uma Datta Tripathi

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, alleging that when the wife of the informant was going on an e-rickshaw some unknown persons snatch her jewellery.

3. Learned counsel for the applicant submits that the applicant is absolutely innocent and has been falsely implicated in the present case due to some ulterior motive. He next submits that the applicant was linked with the offence in question only based upon his implication in other cases. No incriminating article or material has been recovered either from the applicant or on his pointing out, thus it is clear that the applicant has been roped in the offence in question without any recovery. No identification parade was conducted to ascertain the real culprit and as such the applicant who is in jail since 19.9.2023, is entitled to be enlarged on bail.

3. Learned AGA has opposed the bail application.

4. Considering the fact that the applicant was not named in the FIR, no identification parade was conducted by the police to ascertain the real culprit and the In view thereof, the application is allowed.

5. Let the applicant **Dharamveer** be released on bail in FIR No. 216 of 2023, under sections 392 and 411 I.P.C., P.S. Malpura, district-Agra, 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 :- 7.11.2023

Faridul