

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47926 of 2023

Applicant :- Bhudev

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Kumar

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. In terms of the FIR, the applicant was apprehended with a motorcycle and at his pointing out, several other motorcycles were also allegedly recovered. The criminal antecedents have been explained in the Supplementary Affidavit filed today which is taken on record. It is argued that the recovery is not in the presence of any independent witnesses and the applicant has been falsely implicated with the offence in question. The applicant is in custody since 29.08.2023.

3. Learned AGA has opposed the bail application.

4. Considering the recovery to be *prima-facie* not in the presense of any independent witnesses and the fact that the applicant has no criminal antecedent prior to the offence in question except of the offences as disclosed in Supplementary Affidavit, the applicant is entitled to be enlarged on bail. In view thereof, the application is ***allowed.***

5. Let the applicant ***Bhudev*** be released on bail in FIR No.417 of 2023, under Section 379, 411, 413, 414, 420, 467, 468, 471 IPC & Section 41/102 of Cr.P.C., P.S. Maudarwaja, District Farrukhabad 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 :- 8.11.2023

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