

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45983 of 2023

Applicant :- Ravi Khare

Opposite Party :- State of U.P.

Counsel for Applicant :- Satya Narayan Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Supplementary affidavit filed on behalf of applicant in the Court today is taken on record.

2. Heard learned counsel for the applicant, learned AGA and perused the record.

3. In terms of the FIR, it was alleged that applicant and some unknown persons kidnapped the informant and demanded Rs. 50,000/- from him. It is also alleged that they had taken Rs. 50,000/- from the wife of the informant by sending an unknown person. They also taken away the mobile phone and motorcycle of the informant.

3. It is argued that the applicant was not named in the first information report. His name as an accused in the present case surfaced for the first time in the confessional statement of co-accused Anshul. The victim in his statement has specifically stated that the accused used to call another person by the name of applicant. Based upon his statement the applicant has been arrested. No identification parade was conducted by the police to ascertain the real culprit. The alleged recovery of Rs. 2590/- was allegedly made from the applicant, which was not in accordance with provision of section 100 Cr.P.C. as there was no public witness of the alleged recovery. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 30.8.2023.

4. Learned AGA has opposed the bail application.

5. Considering the fact that applicant was not named in the FIR, considering that even in his statement the informant does not disclose the name of the applicant, the applicant is in jail since 30.8.2023, hence he is entitled to be enlarged on bail. In view

thereof, the application is allowed.

6. Let the applicant **Ravi Khare** be released on bail in FIR No. 214 of 2023, under Sections 364A, 395, 412, 323/34 I.P.C., P.S. Jaswant Nagar, district-Etawah 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