

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45969 of 2023

Applicant :- Sharik

Opposite Party :- State of U.P.

Counsel for Applicant :- Lalit Kumar Shukla

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 regarding theft of batteries.
3. It is argued by learned counsel for the applicant that the applicant was not named in the FIR. Subsequently, on the basis of recovery applicant was implicated in the crime in question. The alleged recovery was not in the presence of any independent witness. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 26.8.2023.
4. Learned AGA has opposed the bail application.
5. Considering the fact that applicant was not named in the FIR, considering that the recovery is not in accordance with the provision of section 100 Cr.P.C., applicant is in jail since 26.8.2023, is entitled to be enlarged on bail. In view thereof, the application is allowed.
6. Let the applicant **Sharik** be released on bail in FIR No. 135 of 2023, under Sections 457, 380 and 411 I.P.C., P.S. Hasayan, district-Hathras 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