

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47758 of 2023

Applicant :- Rajesh @ Lalu

Opposite Party :- State of U.P.

Counsel for Applicant :- Sudhanshu Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. In terms of the FIR, on the basis of a recovery of motorcycle from the applicant and certain moneys, he was linked with the offence in question. Reference of the other cases against the applicant was also mentioned in the FIR.
3. The counsel for the applicant argues that the main case in which the applicant was implicated, he has been enlarged on bail, which is on record as Annexure No. 4. He further argues that recovery is not in accordance with mandate of Section 100 Cr.P.C. and there are no independent witness to the search. The criminal history has been duly explained in para 12 of the bail application.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the fact that the recovery is not in presence of any independent witness and there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the trial and without expressing any opinion on merit, I am of the view that the applicant is entitled to be released on bail on the ground of parity.
6. Accordingly, the bail application is allowed.
7. Let the applicant **Rajesh @ Lalu** be released on bail in FIR/ Case Crime No. 665 of 2023, under Sections 411, 414, 420 IPC, P.S. Shikohabad, District Firozabad, on his furnishing personal bonds and two reliable sureties of Rs. 25,000/- each to the satisfaction of the 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

S.A.