

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46387 of 2023

Applicant :- Ratan Lal Chauhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Budhi Sagar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

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

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

3. By means of this bail application applicant seeks bail in Case Crime No.316 of 2023, under Sections 406, 419, 411, 420, 489(Kha), 489(Ga), 120B IPC, Police Station Khajni, District Gorakhpur, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. It is further contended that nothing incriminating has been recovered from the applicant. It is also contended that the applicant has been falsely implicated in the present case for the reason that the concerned police personnel was illegally demanding money from him which was denied by the applicant, hence he was implicated in this case. It is also contended that the applicant may also be enlarged on bail on the ground of parity with co-accused, Rajendra Yadav and Sandeep Yadav who have already been enlarged on bail by co-ordinate Benches of this Court vide order dated 28.10.2023 passed in Criminal Misc. Bail Application No.44224 of 2023 and the order dated 02.11.2023 passed in Criminal Misc. Bail Application No.46261 of 2023. There is criminal history of three cases against the applicant which has been explained in paragraph-21 of the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 27.08.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA has vehemently opposed the bail application but he could not dispute the submission made above.

6. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

7. Let the applicant - **Ratan Lal Chauhan**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses;

(iv) shall appear before the concerned SHO to show or establish his bona fide on any day of the first week of every month until further order of the trial court.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 30.11.2023

Shahroz