

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47821 of 2023

Applicant :- Dharmpal And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Jata Shankar

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicants, learned AGA and perused the record.

2. In terms of the FIR, four persons including the applicants, were arrested and on their pointing out 18 motorcycles were recovered. It is stated that two knives and two number plates were also recovered. Based upon the said, the applicants were linked with four other cases. Contention of counsel for the applicants is that there are no independent witnesses to the search or to the recovery of the motorcycles. The applicant have no criminal antecedent prior to the offence in question and are in custody since 12.09.2023.

3. Learned AGA has opposed the bail application.

4. Considering the recovery to be *prima-facie* not in the presence of any independent witnesses, which is the sole foundation of the case against the applicant and the fact that he has no criminal antecedent prior to the offence in question, the applicants are entitled to be enlarged on bail. In view thereof, the application is ***allowed.***

5. Let the applicants ***Dharmpal*** and ***Sher Singh*** be released on bail in FIR No.293 of 2023, under Section 411, 414, 482 IPC, P.S. Babugarh, District Hapur on their furnishing a personal bond each with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicants shall execute a bond to undertake to attend the hearings;

(b) The applicants shall not commit any offence similar to the offence of which they are accused or suspected of the commission; and

(c) The applicants 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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