

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48205 of 2023

Applicant :- Ravendra Kumar Manjhi @ Robin @ Terenaam

Opposite Party :- State of U.P.

Counsel for Applicant :- Dhirendra Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 165 of 2023 under Sections 392, 411, 120-B I.P.C., Police Station- Govind Nagar, District- Mathura, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The recovery memo is doubtful as the police reached on the house of the co-accused on 16.6.2023 whereas in rapat no. 42, the date of recovery memo has been shown as 17.6.2023. There is no independent witness of the alleged recovery which is in contravention to Section 100 (4) Cr.P.C. In the F.I.R. 12.15 kg. silver has been alleged to be looted, however, only 4.41 kg. has been shown to be recovered from the applicant and other co-accused which also make prosecution story doubtful. It is next contended that co-accused Smt. Sanju Manjhi @ Ranjana and Preetam Singh Manjhi @ Chhotu, having identical role, have been granted bail in Crl. Misc. Bail Application No. 41022 of 2023 vide order dated 17.10.2023. The criminal history of the applicant has been explained in para nos. 19 & 20 of the affidavit. The applicant is in jail since 17.06.2023, in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made above and the fact that the applicant has remained confined for more than five months, the co-accused having been enlarged on bail, more so when no

reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Ravendra Kumar Manjhi @ Robin @ Terenaam**, involved in aforesaid case 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.

7. 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 :- 5.12.2023

S.Verma