Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48741 of 2023

Applicant :- Rinku Alias Chhoteley
Opposite Party :- State of U.P.
Counsel for Applicant :- Vipin Kumar Dwivedi
Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant and learned AGA for the State-respondent.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.180 of 2023, under Sections 457, 411, 120B, 380 IPC, Police Station Brijmanganj, District Maharajganj, during the pendency of trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He was neither named in the FIR nor was he arrested on the spot. It is further contended that though the alleged articles were recovered from possession of the applicant but no identification was conducted in accordance with law. There is no independent witness to alleged the recovery. There is criminal history of eleven cases against the applicant which has been explained in paragraph-17 of the affidavit filed in support of the bail application. It is also contended that the co-accused, Rahul Harizan has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 03.11.2023 passed in Criminal Misc. Bail Application No.46760 of 2023, therefore, the applicant is also entitled to be enlarged on bail as his case is on the better footing to that of the aforesaid co-accuse. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 19.07.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant.

5. 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.

6. Let the applicant - **Rinku Alias Chhoteley**, involved in the 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;

(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.

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 :- 23.11.2023
Shahroz

Digitally signed by :-
SHAHROJ ALAM
High Court of Judicature at Allahabad