

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49302 of 2023

Applicant :- Rajkumar Chauhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Sunil Kumar Dubey

Counsel for Opposite Party :- G.A., Brajesh Kumar Solanki, Samrat Vikram Singh

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and Sri Brajesh Kumar Solanki, learned Counsel for the informant and perused the record.
2. The FIR in question was lodged alleging that five persons including the applicant tried to break open in the property of the informant and took away certain things kept there.
3. It is argued by the Counsel for the applicant that one of the co-accused, who was initially not named in the FIR has been enlarged on bail by this Court vide order dated 20.11.2023. It is argued that the allegations levelled in the FIR are wholly mala fide. The criminal antecedents have been duly explained in para 16 of the bail application.
4. Learned A.G.A. and Sri Brajesh Kumar Solanki, learned Counsel for the informant vehemently opposed the bail prayer.
5. Considering the fact that although no party can be claimed with the co-accused, who has been enlarged on bail by this Court vide order dated 20.11.2023, however, even in terms of the FIR, the allegations are that five persons break open in the property and took away certain things kept there, which have not been recovered in terms of Section 100 of Cr.P.C., the criminal antecedents of the applicant has been duly explained in para 16 of the bail application, 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. Accordingly, the bail application is ***allowed***.

6. Let the applicant ***Rajkumar Chauhan*** be released on bail in FIR/ Case Crime No.66 of 2022, under Sections 420, 467, 468, 471, 448, 427, 506, 120B IPC, Police Station Bhojpur, District Ghaziabad 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 :- 21.11.2023

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