

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48923 of 2023

Applicant :- Ayush @ Ashish @ Chhotu

Opposite Party :- State of U.P.

Counsel for Applicant :- Dhiraj Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicant has filed supplementary affidavit, which is taken on record.

2. Heard Sri Anubhav Mishra, Advocate, holding brief of Sri Dhiraj Singh, learned counsel for the applicant, learned A.G.A. for the State and perused the records.

3. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 242 of 2023, under Sections 392, 411 I.P.C Police Station- Bichhawan, District- Mainpuri, during pendency of the trial.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. There is criminal history of nine cases against the accused-applicant, which has been explained properly in para no. 17 of the bail application, which is levelled by the Police after arrest of only Rs. 4000/- recovered from the possession of the applicant can not be said that this rupees are the part of rupees, which were kept in the ladies purse of the aggrieved person. Learned counsel for the applicant has explained other criminal history in para 3 of the supplementary affidavit. The learned counsel for the applicant further contends that the alleged recovery is false. Learned counsel lastly submitted that the co-accused Rahul @ Panjabi @ Gurujeet has been granted bail by this Court in ***Criminal Misc. Bail Application No. 34180 of 2023*** vide order dated 04.08.2023. The applicant claims parity. He is in jail since 09.06.2023, in case he is enlarged on bail, he will not misuse the said liberty.

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

6. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant, **Ayush @ Ashish @ Chhotu**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

i. the applicant shall not temper with the prosecution evidence;

ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court.

iv. the applicant shall appear before the concerned S.H.O. on any day of first week of every month till the 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 :- 4.12.2023

Vinod.