

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49444 of 2023

Applicant :- Santosh Maurya

Opposite Party :- State of U.P.

Counsel for Applicant :- Sudarshan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The accused-applicant seeks bail in Case Crime No.185 of 2023 under sections 328, 379, 411, 420, 467, 468, 471 IPC, P.S. Baradari, District Bareilly.
3. In terms of the FIR, in which no names were disclosed, it was stated that a car was taken away after administering some intoxicants. Subsequently, the applicant was apprehended along with four persons from whom two cars were recovered and based upon the said recovery, the applicant was implicated with the offence in question.
4. The contention of the counsel for the applicant is that the recovery is not in terms of the mandate of section 100 Cr.P.C. and there are no independent witness to the recovery or search and the applicant was not even named in the FIR and the applicant has no criminal history.
5. Considering the fact that the recovery, prima-facie, is not in the presence of any independent witness and the applicant has no criminal history, he is entitled for the bail. Thus the bail application is allowed.
6. Let the applicant **Santosh Maurya** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount 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

VNP/-