

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1487 of 2023

Applicant :- Mahendra @ Mahesh

Opposite Party :- State Of U.P. Thru. Secy. Home Lko.

Counsel for Applicant :- Parmanand Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Parmanand Gupta, the learned counsel for the applicant, Sri Jayant Singh Tomar, the learned A.G.A.-I for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Sessions Trial No. 206 of 2018 arising out of Case Crime No. 991 of 2017, under Sections 394, 395, 397, 412 IPC, Police Station Kotwali Nagar, District Barabanki.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 22.11.2017 alleging commission of robbery committed by three unknown miscreants and the miscreants had shot at the informant and had assaulted his family members.
4. The State has filed a counter affidavit opposing the bail application and it has been stated that the applicant has a long criminal history.
5. The applicant has been implicated in the present case on the basis of his custodial statement recorded in the aforesaid case.
6. Learned counsel for the applicant has submitted that the co-accused Kishan @ Kalia @ Raju @ Rakesh has been granted bail by this court by means of an order dated 28.09.2022, passed in Criminal Misc. Bail Application No.11160 of 2022. The applicant is languishing in jail since 29.01.2018.
7. Having considered the aforesaid facts and circumstances of the case and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.
8. Accordingly, this bail application stands ***allowed***.

9. Let the applicant-***Prakash Chandra Rajput*** be released on bail in Sessions Trial No. 206 of 2018 arising out of Case Crime No. 991 of 2017, under Sections 394, 395, 397, 412 IPC, Police Station Kotwali Nagar, District Barabanki on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 30.10.2023

Pradeep/-