Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2778 of 2023
Applicant :- R.K Yadav @ Rinku Yadav @ Om Prakash Yadav
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
Counsel for Applicant :- Praveen Kumar Tripathi,Vyas Narayan Shukla
Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vyas Narayan Shukla, learned counsel for the applicant, Sri Anant Pratap Singh, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 207 of 2021, under Sections 457, 380 I.P.C., registered at Police Station Motigarpur, District Sultanpur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.07.2021, alleging commission of theft from the informant's shop by some unknown persons.

4. Police claimed to have arrested two other persons and recovered some articles from their possession. The applicant has been implicated in the present case on the basis of custodial statements of those two arrested persons.

5. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, and he has been falsely implicated in the present case. Applicant's criminal history of 24 cases has been disclosed in para 15 of the affidavit, in all of which, the applicant has been granted bail. The applicant has been implicated in Case Crime No.207 of 2021 under Sections 457, 380 IPC, Police Station Motigarpur, District Sultanpur, also on the basis of similar statement.

6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and

keeping in view the fact that the applicant has been implicated in the present case solely on the basis of custodial statement of co-accused persons and no incriminating material has been recovered from the applicant and that he has already been granted bail in another case of similar nature; that the applicant is languishing in jail since 20.04.2022 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-**R. K. Yadav @ Rinku Yadav @ Om Prakash Yadav** be released on bail in aforementioned case 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.

(Subhash Vidyarthi,J.)

Order Date :- 6.11.2023
Preeti.

Digitally signed by :-
PREETI GAUTAM
High Court of Judicature at Allahabad,
Lucknow Bench