

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4016 of 2023

Applicant :- Rejesh Nishad

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

Counsel for Applicant :- Anil Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

01. Heard Shri Anil Kumar Tiwari, learned counsel for applicant and learned A.G.A. for the State.

02. The present bail application has been filed by the applicant seeking bail in case crime no.310 of 2022, under Sections 392 and 411 I.P.C., P.S. Kotwali Nagar, District Ayodhya/Faizabad.

03. As per version of the F.I.R., when the mother of first informant was on morning walk, two unknown persons came from behind and snatched gold chain worn by her. The incident occurred on 28.04.2022. Three days thereafter the accused applicant and his associate were apprehended by the police in case crime no.315 of 2022 and a number of incriminating articles, stolen motorcycle, gold chain, some instruments etc. were recovered.

04. It is contended on behalf of the applicant that he has been falsely implicated in this case. No identification parade was conducted to identify that it was the applicant who was involved in the incident of chain snatching. There is no public witness of the incident. The prosecution has virtually no evidence worth name. The prosecution has failed to prima facie show that the articles recovered from him actually pertained to this incident. He has 14 cases in his name as previous criminal history. In most of cases he is on bail.

05. The application for bail is opposed by learned A.G.A. However, it is conceded that that the applicant is in jail since 01.05.2022.

06. I considered nature of the allegations, role ascribed to the applicant, the evidence proposed, the severity of punishment and all other facts and circumstances of the case. In my view, a case for bail is made out.

07. Let applicant **-Rejesh Nishad** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) framing of charge and (ii) recording of statement

under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present as well as permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

08. Any violation of above conditions will be treated as misuse of bail and learned Court below will be at liberty to pass appropriate order.

09. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 21.11.2023

Asha