

**Court No. - 28**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 7799 of 2023

**Applicant :-** Gokaran @ Karan @ Sonu Nishad

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

**Counsel for Applicant :-** Ram Sahay Yadav

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mrs. Jyotsna Sharma,J.**

01. Heard Shri Ram Sahay Yadav, 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.284 of 2022, under Section 394 and 411 I.P.C., P.S. Kotwalinagar, District Faizabad.

03. It is submitted on behalf of the applicant that the applicant is innocent and has been falsely implicated in this case. Recovery of three chain and Rs.1500/- was shown from the possession of the applicant after one month from the date of incident. There is no public witness. It is further submitted that the applicant was implicated in a number of cases after being taken into custody.

04. The application for bail is opposed by learned A.G.A. highlighting the fact that the applicant is having criminal history of two cases in case crime nos.81 of 2015 and 104 of 2015. However, it is conceded that that the applicant is in jail since 01.05.2022 i.e. more than one year.

05. 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.

06. Let applicant - **Gokaran @ Karan @ Sonu 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.

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

08. 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 :- 20.11.2023**

Asha