

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 8416 of 2023

**Applicant :-** Surendra Rawat @ Matru

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

**Counsel for Applicant :-** Sanjeev Shukla, Sagar Singh, Shri Ram Maurya

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

**Hon'ble Subhash Vidyarthi, J.**

1. Heard Sri Sanjeev Shukla, the learned counsel for the applicant as well as Sri Manish Kumar Pandey, the learned A.G.A. for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 252 of 2023, under Section 457, 380, 411, 413 I.P.C., registered at Police Station Gangaghat, District Unnao.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 06.05.2023, alleging commission of a theft in the informant's house.

4. The police claimed to have arrested four persons, including the applicant and to have recovered some articles from each of them. However, the alleged recovery has not been witnessed by any independent person.

5. In para 17 of the affidavit filed in support of the application for bail, applicant's involvement in 4 other cases has been disclosed. In one case, the investigating officer has submitted Final Report and in another case he has been granted bail. In two other cases the applicant has been implicated after his arrest in the present case. Co-accused Karan Rawat has been granted bail by this Court by means of the order dated 19.09.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.11234 of 2023.

6. The learned A.G.A. has opposed the prayer of the 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 alleged recovery has not been witnessed by any independent persons and that a co-accused has already been granted bail and without making any observations 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.

8. Accordingly, this bail application stands allowed.

9. Let the **applicant- Surendra Rawat @ Matru** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the 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 :- 21.11.2023**  
prateek