

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8930 of 2023

Applicant :- Rahul Shukla

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

Counsel for Applicant :- Sunil Kumar Mishra, Atul Kumar Chauhan, Sanat Singh, Sudhir Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Suhail Kashif holding brief of Sri Sunil Kumar Mishra, learned counsel for the applicant, Sri Jayant Singh Tomar, 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.216 of 2023, under Sections 408, 411 I.P.C., registered at Police Station Sarojini Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 29.05.2023 alleging that the applicant, who was working as Driver in the informant's firm, took away Rs.49,50,000/-, which had been handed over to him for depositing him in company's bank account.

4. The State has filed a counter affidavit opposing the bail application. It has been stated that entire amount has been recovered from the applicant. It has further been stated that the investigation in the matter stands completed and a charge-sheet has been submitted on 29.05.2023. The applicant has been languishing in jail since 30.05.2023.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that entire money has already been

recovered; that the investigation stands completed and a charge-sheet has already been submitted and offence alleged carry a maximum punishment of imprisonment up to 7 years; that the applicant has no previous criminal history and he is languishing in jail since 30.05.2023 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.

7. Accordingly, this bail application stands **allowed**.

8. Let the **applicant**-Rahul Shukla 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 :- 4.12.2023
prateek