

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9163 of 2023

Applicant :- Raj Tiwari

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

Counsel for Applicant :- Diwaker Singh,Ajay Pratap Singh,Nikhil Sonkar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Nikhil Sonkar, the learned counsel for the applicant as well as Sri Anant Pratap Singh, 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. 185 of 2023, under Section 457, 380, 411, 420, 467, 468, 471, 120-B, 34 I.P.C., registered at Police Station Sushant Gold City, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 05.04.2023, alleging theft of money from an A.T.M.
4. The police claimed to have arrested the applicant on 25.04.2023 on the basis of information received from a mukhbir Rs. 61,500/- and a mobile phone are said to have been recovered from him.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history
6. The police have arrested another person Bhalli @ TaufEEK @ Malli and to have claimed that the aforesaid had damaged the ATM machine for taking out money from it. The aforesaid co-accused has already been granted bail by means of an order dated 18.07.2023 passed by the Session Court. Co-accused Vijay Pandey @ Sarvesh from whom Rs.2 Lakh has been recovered and Pankaj Pandey @ Pankaj Kumar Pandey, have been granted bail by means of the order dated 30.10.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.8480 of 2023. Another co-accused Pankaj Pandey @ Pankaj Kumar Pandey, has also

been granted bail by means of the order dated 02.11.2023 passed in CRIMINAL MISC. BAIL APPLICATION No. 10038 of 2023.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated merely on the basis of information received from a mukhbir; that Rs. 61,500/- and a mobile phone are said to have been recovered from the applicant, which he claims to be belonging to himself and that three other co-accused persons have already been granted bail, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 25.04.2023, without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

9. Let the applicant- **Raj Tiwari** 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 :- 22.11.2023

Preeti.