

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10334 of 2023

Applicant :- Ajay @ Suraj

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

Counsel for Applicant :- Arun Kumar,Ajeet Kumar

Mishra,Rajendra Pratap Singh,Surendra Singh,Veer Keshwar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Surendra Singh, learned counsel for the applicant, Sri Ajay Kumar Srivastava, learned counsel for the State and perused the records.

2. The instant application has been filed by the applicant seeking bail in F.I.R. bearing Case Crime No. 132 of 2023, under Sections 147, 148, 149, 307, 323, 427, 506 I.P.C., registered at Police Station Baldirai, District Sultanpur.

3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 16.05.2023 at 21:24 hours against six named persons, including the applicant, and three unknown persons, alleging that the informant and his cousin riding two motorcycles, were stopped by the accused persons riding three motorcycles on pistol point and they robbed Rs. 50,000/- from the informant's cousin and beaten up the informant and his cousin.

4. In the statement of the informant recorded on the date of lodging of the F.I.R. itself, he named 10 persons, including the applicant. The informant referred to some old animosity between him and the accused persons, which was not disclosed in the F.I.R.

5. In the affidavit filed in support of bail application it has been

stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in five other cases has been disclosed in para 13 of the affidavit, in all of which he has been granted bail. It has also been submitted on behalf of the applicant that the co-accused Kuldeep Yadav has already been granted anticipatory bail by this court by means of an order dated 11.08.2023. Two other co-accused persons Suresh Kumar Yadav and Azad Tiwari have already been granted bail by this court by means of orders dated 21.11.2023 and 17.11.2023, passed in Criminal Misc. Bail Application Nos.11555 of 2023 and 13541 of 2023 respectively.

6. The learned A.G.A. has opposed the prayer for 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 general allegations against all the accused have been levelled and no specific allegation has been assigned to the applicant and a co-accused person has been granted anticipatory bail by this court and two co-accused persons have been granted bail by this court and that the applicant is languishing in jail since 30.06.2023 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.

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

9. Let the **applicant-Ajay @ Suraj** 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 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 :- 2.12.2023
Ram.