

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10813 of 2023

Applicant :- Atharva Vishkarma

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

Counsel for Applicant :- Ajay Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ajay Kumar Singh, learned counsel for the applicant, Sri Akhilesh Kumar Vyas, 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.295 of 2022, under Sections 411, 413, 414 I.P.C., registered at Police Station Gajipur, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.06.2022 against six persons, including the applicant, stating that during routine checking, six stolen motorcycles were recovered from their possession/ pointing out.

4. 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. It has further been stated in the affidavit that after his arrest the applicant has been implicated in another case being Case Crime No.449 of 2022. A supplementary affidavit has been filed on behalf of the applicant disclosing applicant's involvement in Case Crime No.872 of 2019.

5. Learned counsel for the applicant has stated that the aforesaid case relates to offence under Sections 323, 504, 506 IPC, 3(1)(x) S.C./S.T. Act, Police Station Chinhat, Lucknow and the applicant is languishing in custody in connection with the aforesaid case. Co-accused-Manoj Sahu and Suraj Kannaujiya have been granted bail by means of the orders dated 14.02.2023 and 08.02.2023 passed in 8189 of 2022 and

8184 of 2022 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 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 on the ground of parity.

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

9. Let the **applicant**-Atharva Vishkarma 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 :- 6.11.2023
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