

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12381 of 2022

Applicant :- Rajan @ Mohan Lal

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

Counsel for Applicant :- Salik Ram Yadav, Amol Dixit, Fateh Bahadur Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Durgesh Kumar Singh holding brief of Sri Fateh Bahadur Singh, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned AGA 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. 263/2022, under Sections 392/ 411 IPC, Police Station Indira Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.09.2022 alleging snatching of mangalsutra by two unknown miscreants. The police claimed to have arrested the applicant on the basis of an information received from a mukhbir and to have recovered a mangalsutra along with locket, a mobile phone and Rs. 250/- from the applicant and it is alleged that in his custodial statement, the applicant confessed to have given effect to the incident.

4. In the affidavit filed in support of 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.

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 the FIR alleges commission of offence by two persons whereas the material collected during investigation does not make a mention of involvement of other person; that although the police claimed to have recovered the stolen mangalsutra from the applicant's possession, no independent witnesses has witnessed the recovery; that the applicant has no previous criminal history and he is languishing in jail since 16.09.2022 and no witness

has been examined till date 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 case.

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

8. Let the applicant-***Rajan @ Mohan Lal*** 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.

Order Date :- 16.11.2023

Pradeep/-