

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12000 of 2023

Applicant :- Suraj Kashyap

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

Counsel for Applicant :- Satyendra Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Satyendra Kumar, learned counsel for the applicant, Sri Amitabh Chaturvedi, 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 an FIR bearing Case Crime No. 229 of 2023, under Sections 379, 411, 413, 420, 465 IPC, registered at Police Station Krishna Nagar, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.06.2023 against the applicant and one Mohit Ojha, alleging that on the basis of an information from a mukhbir, the applicant and another person were was apprehended while they were riding a motorcycle and the FIR alleges that they confessed that the motorcycle had been stolen by them. On their pointing out, three more motorcycles and a scooty were recovered.
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 that he has no criminal history.
5. A supplementary affidavit has been filed on behalf of the applicant stating that he was involved in Case Crime No. 329 of 2021, under Sections 457, 380 & 411 IPC, Police Station Ashiyana, District Lucknow, in which he has been granted bail. The applicant's involvement in three other cases has been disclosed in the supplementary affidavit and the learned counsel for the applicant has submitted that the applicant has been implicated in this case after the alleged recovery which has not been witnessed by any independent person.
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, coupled with the fact that the FIR itself mentions the age of the applicant to be 18 years and he is languishing in jail since 07.06.2023 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 applicants on bail in the aforesaid crime.

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

9. Let the applicant-***Suraj Kashyap*** be released on bail in Case Crime No. 229 of 2023, under Sections 379, 411, 413, 420, 465 IPC, registered at Police Station Krishna Nagar, District Lucknow 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 :- 13.10.2023

Pradeep/-