

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12033 of 2023

Applicant :- Murti @ Rammurti

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

Counsel for Applicant :- Ashok Kumar, Chandra Prakash

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ashok Kumar, the learned counsel for the applicants as well as Smt Parul Kant, the learned A.G.A. for the State and perused the record.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 463 of 2022, under Section 420, 467, 468, 471 I.P.C., registered at Police Station Phoolbehad, District Lakhimpur Kheri.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 23.09.2022 against four persons, including the applicant, alleging that co-accused Bachana had come to withdraw Rs.10,000/- from the bank and upon suspicion, it was found that the account was in the name of some other person and she stated that the passbook and withdrawal form were provided to him by the other co-accused persons.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's criminal history of three cases has been disclosed in para 19 of the affidavit.

5. The learned counsel for the applicant has submitted that co-accused Bachana, Rajkishor and Supass, have already been granted bail by means of orders dated 20.12.2022 and

22.08.2023 passed by this Court in Criminal Misc. Bail Applications No.14896 of 2022 and 10427 of 2023, respectively.

6. The learned A.G.A. has opposed the prayer of the 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 the applicant has been implicated in the present case on the basis of statement of co-accused Bachana, who has already been granted bail and two other co-accused persons named by Bachana have also been granted bail and 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 applicants- **Murti @ Rammurti** 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 applicants shall not tamper with the prosecution evidence;

(ii) the applicants shall not pressurize the prosecution witnesses;

(iii) the applicants shall appear on each and every date fixed by the trial court.

Subhash Vidyarthi,J.)

Order Date :- 10.10.2023

Preeti.