

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12234 of 2023

Applicant :- Rakesh Kumar Tripathi

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

Counsel for Applicant :- Anand Mani Tripathi,Brij Mohan Sahai,Dileep Kumar Pathak

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Brij Mohan Sahai, assisted by Sri Amar Singh, learned counsel for the applicant, and Sri Arpit Kumar, learned A.G.A. for the State and perused the records.
2. This is second bail application seeking release of the applicant on bail in Case Crime No.240 of 2016, under Sections 419, 420, 467, 468 471, 120B I.P.C., registered at Police Station Kotwali Nagar, District Gonda.
3. First bail application No.6772 of 2023 of the applicant was rejected by means of the order dated 13.07.2023 passed by this Court.
4. Second application has been filed on the ground that subsequent to rejection of first bail application, co-accused, Mahendra Pratap Singh has been granted bail by this Court by means of the order dated 21.08.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.8715 of 2023.
5. Allegations against the applicant are similar to that leveled against the co-accused-Mahendra Pratap Singh as is evident from the averments made in para 15 of the order dated 13.07.2023, rejecting the first bail application.
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 period of incarceration of the applicant

and the fact that trial has not even commenced; and that the co-accused having identical role has been granted bail 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**-Rakesh Kumar Tripathi be released on bail in Case Crime No.240 of 2016, under Sections 419, 420, 467, 468 471, 120B I.P.C., registered at Police Station Kotwali Nagar, District Gonda 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 :- 13.10.2023
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