

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12184 of 2023

Applicant :- Nitin Tyagi

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

Counsel for Applicant :- Shiv Shankar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Shiv Shankar Singh, the learned counsel for the applicant, Sri Arpit Kumar, the 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. 542 of 2022, under Sections 379, 413, 414, 419, 420, 467, 468, 471 and 149 I.P.C., registered at Police Station Ram Sanehighat, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.10.2022 alleging commission of theft by accused persons riding on a motorcycle. The applicant was arrested in connection with F.I.R. bearing Case Crime No.68 of 2023, under Sections 379, 411, 413, 414, 420, 467, 468, 471 of I.P.C. and Sections 3 and 25 of Arms Act, Police Station Ram Sanehighat, District Barabanki, which was lodged against six persons stating that on the basis of information received from a mukhbir, four persons riding two motorcycles were apprehended. In their custodial statements they stated that they were involved in committing theft of motorcycles and the applicant was also involved with them. 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. In paras 17 and 20 of the affidavit filed in support of the bail application, it has been stated that the applicant has no previous

criminal history but after his arrest he has been implicated in 23 cases out of which he was granted bail in 20 cases.

4. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

5. 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 solely on the basis of custodial statement of the co-accused persons recorded in another case and no incriminating material has been recovered from the possession of the applicant; that the applicant has no previous criminal history and he is languishing in jail since 21.02.2023 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 applicant on bail in the aforesaid crime.

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

7. Let the **applicant- Nitin Tyagi** be released on bail in Case Crime No. 542 of 2022, under Sections 379, 413, 414, 419, 420, 467, 468, 471 and 149 I.P.C., registered at Police Station Ram Sanehighat, District Barabanki 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 :- 12.10.2023

Ram.