

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12494 of 2023

Applicant :- Sufiyan Siddiqui

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

Counsel for Applicant :- Parmanand Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Parmanand Gupta, the learned counsel for the applicant as well as Sri Arpit Kumar, the learned A.G.A. for the State and perused the record.
2. The State was granted two weeks' time for filing a counter affidavit by means of an order dated 19.10.2023 but no counter affidavit has been filed by the State.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 169 of 2023, under Section 392, 411, 413, 420, 467, 468, 471 I.P.C., registered at Police Station Indira Nagar, District Lucknow.
4. The aforesaid case has been registered on the basis of F.I.R. lodged on 16.05.2023, alleging snatching of a gold chain from the neck of the informant's wife.
5. A supplementary affidavit has been filed on behalf of the applicant annexing therewith a copy of the recovery memo as per which Rs. 10,430/- and a chain of yellow metal were recovered from the applicant.
6. The learned counsel for the applicant has submitted that on the basis of the same recovery, the applicant was implicated in another case bearing Case Crime No. 183 of 2023, under Section 392, 411 I.P.C, Police Station Madiyaon, District Lucknow, in which he has been granted bail by means of an order dated 08.08.2023 passed by the Session Court, Lucknow. However, his application for granted of bail in the present case has been rejected by the Session Court.
7. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been granted bail in another case, in which he has been implicated in the present case on the basis of same recovery and he is languishing in jail since 03.06.2023 and without making any observations 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.

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

10. Let the applicant- **Sufiyan Siddiqui** 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 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 :- 6.11.2023
Preeti.