

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12455 of 2023

Applicant :- Rahul Mishra

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

Counsel for Applicant :- O.P. Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri O.P Tiwari, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 221 of 2023, under Section 34, 411, 413, 414 I.P.C., registered at Police Station Dahi, District Unnao.
3. The aforesaid case has been registered on the basis of F.I.R. lodged by a Sub Inspector of Police against five person, including the applicant, alleging that on the basis of information received from a mukhbir, two vehicles were intercepted, one of which was being driven by the applicant. It is alleged that some stolen articles were loaded on both the vehicles.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no previous criminal history.
5. On the basis of same recovery, the applicant has been implicated in three more cases, particulars whereof are mentioned in para 10 of the affidavit filed in support of the bail application, in all which he has already been granted bail.

6. The learned counsel for the applicant has submitted that co-accused Virendra Singh, has already been granted bail by means of an order dated 19.09.2023 passed by this Court in Criminal Misc. Bail Application No. 11257 of 2023.

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 implicated merely because he was driving a commercial loader vehicle; that the alleged recovery has not been witnessed by any independent person and that one of the co-accused persons has already been granted bail, coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 31.07.2023 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.

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

10. Let the applicant- Rahul Mishra 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 :- 19.10.2023

Preeti.