Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12405 of 2023

Applicant :- Rishi Kanaujia
Opposite Party :- State Of U.P. Thru. Prin.Secy. Home
Counsel for Applicant :- Sudhaker Prakash
Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Sudhaker Prakash, learned counsel for the applicant, Ms Ankita Tripathi, 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.91 of 2023, under Sections 395, 412, 420, 467, 468, 471, 34 I.P.C., registered at Police Station Naka Hindola, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 21.06.2023 alleging robbery of an undisclosed amount from the informant committed by some unspecified numbers of persons riding on a scooty and a bike.

4. 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 and he has no criminal history.

5. In the statement of the victim recorded under Section 161 Cr.P.C., he mentioned that Rs.15,00,000/- were robbed from him. Robbers had introduced themselves as police persons. He further alleged that robbers had taken him also with them. On the way, three persons riding a car said that their work had been done and thereafter he was left at Latouche Road.

6. Police claimed to have intercepted a car, a bike and a scooty on the basis of information received from a mukhbir and it is claimed that 7 persons were arrested and different amounts were recovered from each of them. Rs.1,00,000/- were recovered from the applicant and it is claimed that in the custodial statement of the applicant, he confessed his involvement in commission of present offence as also in another case. Four other co-accused persons Mohd. Danish @ Danish, Rakesh Kumar Parekh @ Rakesh Kumar Purohit, Azam Ahmad and Mohd Javed have been granted bail by this Court by means of the orders dated 22.09.2023, 19.09.2023, 27.09.2023 and 12.10.2023 passed in Bail Nos.11437 of 2023, 11236 of 2023, 11070 of 2023 and 12052 of 2023 respectively.

7. The learned A.G.A. has opposed the prayer for 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 aforesaid discrepancies in the description of the incident made by the informant and in his statement recorded under Section 161 Cr.P.C.; that three other co-accused persons have 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.

9. Accordingly, this bail application stands allowed.

10. Let the applicant-Rishi Kanaujia be released on bail in Case Crime No.91of 2023, under Sections 395, 412, 420, 467, 468, 471, 34 I.P.C., registered at Police Station Naka Hindola, District Lucknow 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 :- 18.10.2023
prateek

Digitally signed by :-
PRATEEK ARORA
High Court of Judicature at Allahabad,
Lucknow Bench