

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12529 of 2023

Applicant :- Rishi Kanaujia

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

Counsel for Applicant :- Sudhaker Prakash

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Sudhakar Prakash, the learned counsel for the applicant as well as Sri Akhhilesh Kumar Vyas, the learned AGA 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. 212 of 2023, under Section 395/ 420/ 412/ 467/ 468/ 471/ 34 I.P.C., registered at Police Station Bakshi Ka Talab, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 21.06.2023, alleging that four persons riding a four wheeler vehicle had robbed Rs.10 lakh from the informant, while he was going to Sidhaulli in his car.
4. The police claimed to have arrested seven persons on the basis of information received from a mukhbir on 22.06.2023 and to have recovered Rs.23,55,000/- from them. It is alleged that Rs.1 lakh were recovered from the applicant. The recovery memo further states that no person witnessed the recovery proceeding.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case.
6. On the basis of same recovery, the applicant was implicated in another case bearing 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 in which the applicant has been granted bail means of an order dated 18.10.2023.
7. Learned counsel for the applicant has submitted that the other three co-accused Rakesh Kumar Parekh @ Rakesh Kumar

Purohit, Akash Gautam and Mohd. Javed have been granted bail by means of orders dated 09.08.2023, 19.09.2023 and 19.10.2023 passed by this Court in Criminal Misc. Bail Application Nos. 10042 of 2023, 1128 of 2023 12062 of 2023 respectively.

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

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the alleged recovery has not been witnessed by any person and that one co-accused person from whom similar recovery was made has already been granted bail and without making any observations which may affect the merits of the case, I am of the view that the applicant is entitled to be released on bail.

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

11. Let the **applicant-Rishi Kanaujia** be released on bail in Case Crime No. 212 of 2023, under Section 395/ 420/ 412/ 467/ 468/ 471/ 34 I.P.C., registered at Police Station Bakshi Ka Talab, 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.

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[Subhash Vidyarthi, J.]

Order Date :- 19.10.2023

Ram.