

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12448 of 2023

Applicant :- Ravi Singh @ Nath Nayanam

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

Counsel for Applicant :- Ashish Kumar Singh, Vibhanshu Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard learned counsel for the applicant, Sri Anant Pratap Singh, 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. 0354 of 2023, under Sections 406, 411, 419, 420, 467, 478, 471, 504, 507, 201/34 I.P.C., registered at Police Station- Bachhrawan, District-Raebareli.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 19.06.2023 against one Ajeet Kumar Turha describing him as the operator of Sun Infra company, alleging that the informant had entered into the agreement to purchase GI wire worth Rs. 17 lacs from the named accused person and had transferred Rs. 8 lacs through RTGS from his bank again but neither the keys were supplied to him nor was his money refunded.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case.

5. The applicant's involvement in another case has been disclosed in paragraph 20 of the affidavit filed in support of the application which has been decided in terms of settlement in Lok Adalat on 22.08.2023.

6. In the supplementary affidavit dated 21.11.2023 filed on behalf of the applicant, it has been stated that the co-accused namely Ajit Turha has been granted bail by means of order dated 20.11.2023 passed by the Sessions Judge, Raebareli.

7. The learned A.G.A. has opposed the prayer for bail by filing a counter affidavit, which is taken on record, wherein it has been stated that the applicant was arrested from a public place on the basis of information received from a *mukhbir* and the entire amount of Rs. 08 lacs in cash was recovered from his hand.

8. Rejoinder affidavit has also been filed in response to the counter affidavit which is also taken on record.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not named in the FIR; that the applicant has been implicated on the basis of information received from a *mukhbir*; that although the entire amount of Rs. 08 lacs is stated to have been recovered from the applicant, there is no independent witness of alleged recovery and the named accused person namely Ajit Kumar Turha has been granted bail; that the applicant is languishing in jail since 28.06.2023 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.

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

11. Let the **applicant- Ravi Singh @ Nath Nayanam** 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 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 :- 11.12.2023/Mohit Singh/-