

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12736 of 2023

Applicant :- Lucky Babu alias Sheebu

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

Counsel for Applicant :- Abrar Ali

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Abrar Ali, learned counsel for the applicant, Sri Amitabh Chaturvedi, 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. 169 of 2023, under Sections 392, 411 I.P.C., registered at Police Station Behta Mujawar, District Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged by a Sub Inspector on 07.09.2023 against the applicant and one Lucky Babu @ Sheebu alleging that the police had apprehended the accused persons on the basis of an information received from a mukhbir and two sim cards, and an ATM card and Rs.610/- were recovered from the applicant and Rs.500/- and ATM card and a mobile phone were recovered from the other accused person. As per the F.I.R., the accused person confessed having given effect to an incident of robbery of Rs.6,000/-.

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. The applicant is seeking parity of the bail order of co-accused, Chetram passed in Criminal Misc. Bail Application No.12418 of 2023 vide order dated 18.10.2023.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated on the basis of his alleged custodial confessional statement regarding a robbery committed by him in respect of which no F.I.R. has been lodged and besides his custodial confessional statement there no other material to implicate the applicant in the aforesaid coupled with the fact that the applicant is languishing in jail since 07.09.2023 and similarly situated co-accused, Chetram has been granted bail vide order dated 18.10.2023 passed in Criminal Misc. Bail Application No.12418 of 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.

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

8. Let the applicant - **Lucky Babu alias Sheebu** be released on bail in Case Crime No. 169 of 2023, under Sections 392, 411 I.P.C., registered at Police Station Behta Mujawar, District Unnao 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 :- 31.10.2023

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