

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12661 of 2023

Applicant :- Rishikant

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home Deptt. U.P. Lko.

Counsel for Applicant :- Seva Kant,Alok Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Smt Mamta Verma, the learned counsel for the applicant as well as Sri Manish Kumar Pandey, the learned A.G.A-I 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. 172 of 2023, under Section 140,170, 171, 419, 420, 467, 468, 471 I.P.C., registered at Police Station Bijnaur, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 08.07.2023 against six persons, including the applicant, stating that on the basis of information received from a mukhbir, a car was intercepted in which the co-accused Pawan Raj and Satish Yadav were sitting. Fake documents regarding recruitment of persons in Indian Army were recovered from possession of both the accused persons. It is alleged that three persons were standing nearby and when reasons for their presence was inquired, all of them had stated that the accused persons had called them for handing over the documents relating their recruitment in the military. They stated that earlier they had visited coaching center- 'Mission Defence Academy' run by the co-accused Satish Yadav. It is alleged that co-accused Satish Yadav had said that some forged documents were kept in his coaching also, whereupon the police team went to the coaching and recovered some more documents and other articles. The applicant has been implicated on the basis of statement of co-accused Santosh Yadav. The applicant is his cousin, he has good knowledge of computer and he takes applicant's help in preparation of fake documents. The F.I.R mentions that the recovery was not witnessed by any person.

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 criminal history.

5. The learned counsel for the applicant has submitted that co-accused Satish Yadav, and Pawan Raj have already been granted bail by means of the orders dated 22.09.2023 and 03.10.2023 passed by this Court in Criminal Misc. Bail Application Nos.11463 of 2023 and 11743 of 2023 respectively.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is said to have arrested on the basis of information give by a mukhbir and no victim of any offence committed by him had lodged any F.I.R against the applicant either prior to lodging of the instant F.I.R or subsequent thereof; that the recovery is said to have been made from two places but a single recovery memo has been prepared, which has not been witnessed by any independent person and that the co-accused Satish Yadav has already been granted bail, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 09.07.2023 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.

8. Accordingly, this bail application stands allowed.

9. Let the applicant- Rishikant 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 :- 30.10.2023

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