

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2447 of 2023

Applicant :- Riyajul

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

Counsel for Applicant :- Abhishek Srivastava, Mohd. Mubeen

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Abhishek Srivastava, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.0265 of 2023, under Sections 41, 411, 413, 419, 420 I.P.C., 3/25 Arms Act registered at Police Station Pasgawan, District Lakhimpur Kheri.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged by a Sub-Inspector on 10.08.2023 against four persons, including the applicant, alleging that on the basis of information received from a mukhbir, two co-accused persons Sufian and Idrish were arrested and six stolen motorcycles were recovered from their possession and in their custodial statements they stated that the applicant and one Changa were also involved in commission of the offence.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is 23 years old innocent person, he has no criminal history and he has falsely been implicated in the present case.

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 in the present case solely on the basis of custodial statement of an accused person and no incriminating material has been recovered from his possession, coupled with the fact that the applicant has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant- Riyajul** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness;

(Subhash Vidyarthi, J.)

Order Date :- 1.11.2023
prateek