

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13015 of 2023

Applicant :- Sandeep Chaubey And Another

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Govt. Civil Sectt. Lko

Counsel for Applicant :- Uttam Kumar Pathak, Saurabh Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Uttam Kumar Pathak, the learned counsel for the applicants as well as Sri Jayant Singh Tomar, the learned A.G.A.-I for the State and perused the record.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 350 of 2023, under Section 394, 341, 504 and 411 I.P.C., registered at Police Station Patti, District Pratapgarh.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 19.08.2023 at 11:29 alleging that while the informant was going with her nephew on a motorcycle on 18.8.2023 at about 7:30 p.m., two persons riding on a sports bike stopped them and tried to snatch a gold chain. When the informant's nephew resisted, the accused persons assaulted him and robbed Rs.10,000/-, Aadhar Card, PAN card and Driving Licence from the wallet of the informant's nephew. They tried to snatch the bike also but the bike could be saved with the help of some passersby.
4. The police claims to have arrested the applicants on the date of lodging of the FIR itself, on the basis of information received and Rs. 1,800/- were recovered from the possession of the applicant no.2 and Rs.1,000/- was recovered from the applicant no. 1. It is mentioned in the arrest memo that the informant and his nephew identified the accused persons.
5. In the affidavit filed in support of the bail application, it has been stated that the applicants are innocent and they have no criminal history.

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 incident took place at 7:30 p.m. on 18.08.2023, whereas the FIR of this case was lodged on 19.8.2023 at about 11:29; the allegation in the FIR against the applicants are that the accused persons had robbed Rs.10,000/-, Aadhar Card, PAN Card and Driving Licence kept in a wallet but it has not been alleged that the wallet was also taken by the accused persons; that the gold chain or wallet and the documents, have not been recovered from the applicants and merely Rs.2,800/- in all have been recovered from both of them; the procedure prescribed in law for identification of the accused persons have not been followed in the present case and that the applicants have no previous criminal history and they are languishing in jail since 19.8.2023, 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 present case also.

8. Accordingly, this bail application stands allowed.

9. Let the applicant- Sandeep Chaubey and Shiva Tiwari 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 applicants shall not tamper with the prosecution evidence;

(ii) the applicants shall not pressurize the prosecution witnesses;

(iii) the applicants shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 3.11.2023

Virendra