

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13302 of 2023

Applicant :- Surendra Kumar Maurya

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

Counsel for Applicant :- Pervesh Kumar Mishra, Sanjay Dikshit

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Pervesh Kumar Mishra, the learned counsel for the applicant, Sri Anurag Verma, the learned A.G.A.-I 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. 175 of 2023, under Sections 379, 411, 420, 467, 468, 471, 120B I.P.C., registered at Police Station Talkatora, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.08.2023 alleging commission of theft of a vehicle by unknown thieves and the incident was recorded in CCTV footage.

4. Police claimed to have arrested two persons including the applicant on the basis of information received from a mukhbir on 05.09.2023 while they were sitting in a stolen vehicle.

5. 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. The applicant's involvement in another case has been disclosed in para 2 of the supplementary affidavit.

6. Co-accused Mukesh Kumar Pal has been granted bail by means of an order dated 18.10.2023 passed by this Court in Criminal Misc. Bail Application No. 12385 of 2023.

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

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that it is not the prosecution case that the applicant was seen in the CCTV footage of the incident; that the alleged recovery has not been

witnessed by any independent person, that the applicant is languishing in jail since 06.09.2023 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.

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

10. Let the applicant-***Surendra Kumar Maurya*** be released on bail in aforementioned 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 :- 16.11.2023

Pradeep/-