

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12810 of 2023

Applicant :- Dangal Singh

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

Counsel for Applicant :- Dharm Trivedi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dharm Trivedi, the learned counsel for the applicant, Sri Shaunak Singh, the 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. 285 of 2023, under Sections 399/402/411/413/414 I.P.C., registered at Police Station Ishanagar, District Lakhimpur Kheri.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 25.07.2023 against eight persons, including the applicant, alleging that on the basis of information received from a mukhbir three persons, including the applicant, were arrested while they were making plans for commission of a decoity and four persons ran away. The F.I.R. mentions that several stolen articles were recovered from the possession of the arrested persons and in their custodial statement, they stated that they can get some more articles recovered from the applicant.

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 previous criminal history. After his arrest the applicant has been implicated in three other cases, namely Case Crime No.0280 of 2023, under Sections 457/380/411 I.P.C. Police Station Ishanagar, District Lakhimpur Kheri and Case Crime No.223 of 2023, under Sections 457/380/411 I.P.C. Police Station Ishanagar, District Lakhimpur Kheri, in both of which the applicant has been granted bail by Sessions Court. The applicant has been implicated in another case bearing Case Crime No. 288 of 2023, under Sections 3/25 Arms Act, in which his bail application is pending.

5. The co-accused Merajul @ Meraj and Jaypal Rastogi have

already been enlarged on bail by means of orders dated 03.10.2023 & 10.10.2023 passed by this Court in Criminal Misc. Bail Application Nos. 11653 of 2023 & 11976 of 2023.

6. The learned A.G.A. has opposed the prayer for 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 languishing in jail since 26.07.2023 and two of the co-accused persons have already been enlarged on bail 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.

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

9. Let the applicant- ***Dangal Singh*** be released on bail in Case Crime No.285 of 2023, under Sections 399/402/411/413/414 I.P.C., registered at Police Station Ishanagar, District Lakhimpur Kheri 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 :- 3.11.2023

Pradeep/-