

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12858 of 2023

Applicant :- Fagu Lona

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

Counsel for Applicant :- Nijam Ahamad

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Nijam Ahamad, learned counsel for the applicant as well as Sri Shaunak Singh, 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. 166 of 2022, under Section 380 I.P.C., registered at Police Station- Kadipur, District- Sultanpur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 29.04.2022 alleging theft of some foodgrains etc. The F.I.R states that some constables had tried to apprehend the thieves, but they could not succeed.
4. In the affidavit filed in support of bail application it has been stated that the police claimed to have arrested one- Deepak Patel on the basis of an information received from a *Mukhbir* and although, some articles are said to have been recovered from him, none of the stolen articles was recovered. In his custodial statement, he stated that the applicant was also involved in commission of offence. The aforesaid Deepak Patel has been granted bail by means of an order dated 23.06.2022 passed by the Sessions Court, Sultanpur.

5. The applicant's involvement in 17 other cases has been disclosed in para 18 of the affidavit filed in support of the application, in 15 of which, he has been granted bail.

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 has been implicated solely on the basis of custodial statement of co-accused person and no incriminating material has been recovered from him; that the applicant is languishing in jail since 14.05.2022 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- Fagu Lona** 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 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 :- 1.11.2023
Gurpreet Singh