

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12928 of 2023

Applicant :- Lakhvindar Singh

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

Counsel for Applicant :- Surendra Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Surendra Kumar Mishra, learned counsel for the applicant, Sri Shartaz Ali Ansari, the learned counsel 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.960 of 2021, under Sections 379, 411 I.P.C., registered at Police Station Kotwali Sadar, District Kheri.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 24.09.2021 alleging theft of a motorcycle by unknown person on 18.09.2021. The police claimed to have arrested the applicant when he tried to escape during routine checking. It is alleged that the motorcycle being driven by the applicant was stolen one and two other motorcycles were recovered on his pointing out and in this regard an F.I.R. No.1099 of 2021 was lodged on 03.11.2021. After the recovery the applicant has been implicated in three cases including the present case.
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.

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 alleged recovery has not been witnessed by any independent witness and the applicant has been implicated in the present case on the basis of his custodial statement only; that the applicant has no previous criminal history and he is languishing in jail since 03.11.2021 without any prosecution witness having been examined 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.

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

8. Let the **applicant-Lakhvindar Singh** 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 :- 2.11.2023
Ram.