

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13124 of 2023

Applicant :- Haroon

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

Counsel for Applicant :- Ram Chandra Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Uday Pratap Singh, Advocate holding brief of Sri Ram Chandra Dwivedi, the learned counsel for the applicant, Sri Anant Pratap Singh, 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 379, 411, 467, 468, 471, 420 I.P.C., registered at Police Station Purwa, District Unnao.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.07.2023 alleging theft of a motorcycle committed on 02.07.2023.
4. The police claimed to have arrested two persons on 04.07.2023 on the basis of information received from a mukhbir and it is claimed that some stolen motorcycles were recovered from their possession and on the basis of information given by those arrested persons the applicant was also arrested from the mechanic's shop and four stolen motorcycles were recovered from the applicant's shop.
5. 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 criminal history.

The applicant's involvement in two other cases has been disclosed in para 18 of the affidavit, in both of which the applicant has already been granted bail. The two-accused persons Pradeep Kumar and Suraj have already been granted bail in the present case by the Sessions Court.

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 alleged recovery has not been witnessed by any independent person; that two accused persons have been granted bail by the Sessions court and the applicant is languishing in jail since 14.07.2023 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.

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

9. Let the **applicant-Haroon** 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 :- 7.11.2023
Ram.