

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13477
of 2023

Applicant :- Neeraj Mishra @ Neeraj Kumar Mishra

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

Counsel for Applicant :- Ishan Baghel, Mohd. Khalid

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ishan Baghel, the learned counsel for the applicant as well Sri Anant Pratap Singh, the learned A.G.A for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 185 of 2023, under Section 457, 380, 411, 420, 467, 468, 471, 120-B, 34 I.P.C., registered at Police Station Sushant Gold City, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 05.04.2023, alleging theft of money from an A.T.M.

4. The police claimed to have arrested the applicant on 25.04.2023 on the basis of information received from a mukhbir and Rs. 48,500/- are said to have been recovered from him.

5. The police have arrested another person Bhalli @ Taufeeq @ Malli and to have claimed that the aforesaid had damaged the ATM machine for taking out money from it. The aforesaid co-accused has already been granted bail by means of an order dated 18.07.2023 passed by the Session Court. Co-accused persons, namely, Vijay Pandey @ Sarvesh & Pankaj Pandey alias Pankaj Kumar Pandey have been granted bail by means of the orders dated 30.10.2023 & 02.11.2023 passed by this Court in CRIMINAL MISC. BAIL APPLICATION Nos. 8480 of 2023 & 10038 of 2023 respectively.

6. Applicant's involvement in 8 other cases has been disclosed in para 38 of the affidavit filed in support of the bail application. Learned counsel for the applicant has submitted that he has been granted bail in all the cases.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been

implicated merely on the basis of information received from a mukhbir; that Rs. 48,500/- are said to have been recovered from the applicant, which he claims to be belonging to himself and that three other co-accused, person have already been granted bail, whereas the applicant is languishing in jail since 25.04.2023 and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

9. Let the applicant-***Neeraj Mishra @ Neeraj Kumar Mishra*** 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 the 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 :- 9.11.2023

Pradeep/-