

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13207 of 2023

Applicant :- Fagu Lona

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

Counsel for Applicant :- Nijam Ahamad

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Nijam Ahamad, the learned counsel for the applicant, Sri Anurag Verma, the learned A.G.A.-I for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 170 of 2022, under Sections 380, 457 IPC, Police Station Kadipur, District Sultanpur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 30.04.2022 alleging commission of a theft from the informant's shop.
4. The police claimed to have arrested one Deepak Patel and the applicant has been implicated on the basis of his custodial statement, along with three other persons. Deepak Patel and two other persons named by him have already been granted bail in the present case and copies of their bail orders have been annexed with the affidavit filed in support of the bail application.
5. The applicant's involvement in 17 other cases has been disclosed in para 17 of the affidavit and he has been granted bail in all those cases.
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 on the basis of custodial statement of the co-accused person and that co-accused person, as well as two other persons named by him along with the applicant have already been granted bail whereas 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 case.

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.

Order Date :- 7.11.2023

Pradeep/-