

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13306 of 2023

Applicant :- Jabbar

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

Counsel for Applicant :- Dheeraj Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dheeraj Awasthi, the learned counsel for the applicant, Sri Anurag Verma, the learned AGA-I for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in an FIR bearing Case Crime No. 200 of 2023, under Section 380, 411 IPC, Police Station Safipur, District Unnao.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.07.2023 alleging theft of undisclosed number of cartons of dettol soaps from a parked truck.
4. The applicant was arrested along with four other persons, in connection with an FIR bearing Case Crime No. 221 of 2023, under Section 34, 411, 413 & 414 IPC, Police Station Dahi, District Unnao, alleging that on the basis of an information received from a mukhbir, two vehicles were intercepted, one of which was being driven by the applicant and some stolen articles were loaded on the vehicle.
5. It has been stated in the affidavit filed in support of the application that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in three other cases has been disclosed in para 17 of the affidavit, and in all those cases the applicant has been implicated after his arrest in the aforesaid case and in all of which he has been granted bail.
6. The applicant has already been granted bail in Case Crime No. 221 of 2023 by means of an order dated 06.11.2023 passed by this Court in Criminal Misc. Bail Application No. 13064 of 2023. It has also been submitted that the co-accused Virendra Singh has already been granted bail by this court by means of

an order dated 16.10.2023, passed in Criminal Misc. Bail Application No.12262 of 2023.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case, as the applicant has been granted bail in another case, in which the alleged recovery was made, I am of the view that the applicant is entitled to be released on bail in the present case also.

9. Accordingly, this bail application stands allowed.

10. Let the **applicant-Jabbar** 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.

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(Subhash Vidyarthi, J.)

Order Date :- 8.11.2023

Ram.