

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13530 of 2023

Applicant :- Nafees

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

Counsel for Applicant :- Dharm Trivedi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dharm Trivedi, learned counsel for the applicant, Sri Manish Kumar Pandey, 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.0223 of 2023, under Sections 457, 380, 411 I.P.C., registered at Police Station Ishanagar, District Lakhimpur Kheri.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.06.2023 alleging commission of theft in the informant's house in the night of 14.06.2023. Police claimed to have arrested 3 persons, including the applicant, on 25.06.2023 on the basis of information received from a mukhbir and to have recovered some stolen articles from each of them. Rs.9020/- and some articles of jewellery are said to have been recovered from the applicant.

4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, and he has been falsely implicated in the present case. Applicant's involvement in 3 other cases has been disclosed in para 13 of the affidavit in one of which he has been granted bail. Co-accused Dangal Singh from whom also similar recovery was made along with the applicant, has been granted bail by the Sessions Court.

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 made from the applicant has not been witnessed by any independent person and that the applicant has not been identified by them; that a co-accused person has been granted bail by the Sessions Court; that the applicant is languishing in jail since 26.07.2023 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.

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

8. Let the **applicant-Nafees** be released on bail in aforementioned 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 :- 17.11.2023
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