

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2634 of 2023

Applicant :- Rajnish Shukla @ Rajesh @ Chhotu @ Rajnish Kumar

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

Counsel for Applicant :- Pradyumn Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Pradyumn Shukla, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.284 of 2023, under Sections 379 and 411 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 commission of theft of a motorcycle. The police claimed to have arrested two persons and to have recovered two stolen motorcycles from their possession and the applicant has been implicated on the basis of custodial statement of those two co-accused persons.

4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent and he has falsely been implicated in the present case. The applicant's involvement in two other cases has been disclosed in paras 13 and 15 of the affidavit.

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 applicant has been implicated in the present case solely on the basis of custodial statement of the co-accused persons and no incriminating material has been recovered from his possession and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Rajnish Shukla @ Rajesh @ Chhotu @ Rajnish Kumar** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

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(Subhash Vidyarthi, J.)

Order Date :- 9.11.2023

Ram.