

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13671 of 2023

Applicant :- Shyamu Shukla

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

Counsel for Applicant :- Mohd. Waris Farooqui

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Mohd. Waris Farooqui, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, 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. 131 of 2023, under Section 394, 411, 120-B I.P.C., registered at Police Station Hasanganj, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 14.09.2023, alleging that four unknown persons riding two motorcycles had robbed Rs. 3,50,000/- kept in a bag from the informant's clerk.
4. The police claimed to have arrested six persons on the basis of information received from a mukhbir and to have recovered Rs. 30,000/- each from five persons including the applicant and Rs. 55,000/- from one of the persons apprehended confessed having given effect to the incident.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
6. Co-accused Jitendra Awasthi has already been granted bail by means of an order dated 28.10.2023 passed by this Court in Criminal Misc. Bail Application No. 12640 of 2023.
7. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.
8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that there is no independent witness of the alleged recovery; co-accused Jitendra Awasthi has already been granted bail, coupled with

the fact that the applicant has no criminal history and he is languishing in jail since 17.09.2023 and without making any observations 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.

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

10. Let the applicant-***Shyamu Shukla*** 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 :- 20.11.2023

Pradeep/-