

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13694 of 2023

Applicant :- Laxmikant Tiwari

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

Counsel for Applicant :- Ramakar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ramakar Shukla, the learned counsel for the applicant, Sri Akhilesh Kumar Vyas, the learned AGA-I for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in an FIR bearing Case Crime No. 90/2023, under Sections 364A/511, 307/34 IPC, Police Station Shivgarh, District Sultanpur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.09.2023 at 18:54 hours alleging that five unknown persons riding a maruti van had tried to abduct the informant's son, who is a doctor. The registration number of the vehicle was mentioned in the FIR

4. The police claimed to have arrested five persons on the basis of information received from a mukhbir and country made pistols were recovered from each of them. It is alleged that in their custodial statement, the persons arrested confessed their complicity in commission of the offence.

5. The applicant's involvement in two previous cases has been disclosed in para 26 & 27 of the affidavit, in both of which he has already been granted bail. After his arrest, the applicant has been implicated in two other cases mentioned in para 28 & 29 of the affidavit.

6. Co-accused Ram Prakash has already been granted by means of an order dated 18.10.2023 passed by this Court in Criminal Misc. Bail Application No. 12379 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 and keeping in view the fact that the incident occurred at 09:30 pm on 10.09.2023 and the FIR has been lodged at 18:54 on 11.09.2023 and the victim is not the informant; that the applicant has been implicated on the basis of custodial confessional statement only and the alleged recovery of country made pistols has not been witnessed by any independent person; that co-accused Ram Prakash has already been granted bail and without making any observation, which may affect the merits of the case, I am of the view that the applicant is entitled to be released on bail in the present case.

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

10. Let the applicant-***Laxmikant Tiwari*** be released on bail in Case Crime No. 90/2023, under Sections 364A/511, 307/34 IPC, Police Station Shivgarh, District Sultanpur, 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 :- 20.11.2023

Pradeep/-