

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13683 of 2023

Applicant :- Ashfaq

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

Counsel for Applicant :- Atul Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Atul Kumar, the learned counsel for the applicant as well as Sri Manish Kumar Pandey, the learned A.G.A.-I 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. 384 of 2023, under Section 395, 412, 120-B I.P.C., registered at Police Station Kheri, District Kheri.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 28.08.2023 alleging commission of robbery of Rs.1,13,000/- by three unknown motorcycle borne miscreants.
4. The police claimed to have arrested four persons, including the applicant, on the basis of information received from a mukhbir and to have recovered two motorcycles and various amounts in cash from each of them. Rs. 2,000/- and one Vivo mobile phone are claimed to have been recovered from the applicant.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is a 24 years old agriculturist, he has falsely been implicated in the present case and he has no criminal history.
6. The learned counsel for the applicant has submitted that the alleged recovery has not been witnessed by any independent person.
7. Co-accused Firoz Ahmad has already been granted bail by means of an order dated 09.11.2023 passed by this Court in Criminal Misc. Bail Application No. 13404 of 2023.
8. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the co-accused Firoz Ahmad has already been granted bail 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.

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

11. Let the applicant-***Ashfaq*** 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/-