

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13719 of 2023

Applicant :- Vinay Kumar Rathore

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

Counsel for Applicant :- Rajan Mishra, Anand Babu Dixit, Mukesh Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Rajan Mishra, the learned counsel for the applicant as well as Sri Arpit Kumar, 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. 297 of 2023, under Section 420, 467, 468. 471 I.P.C., registered at Police Station Hasanganj, District Unnao.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 20.09.2023 against five persons, including the applicant, stating that during a raid conducted by a team of officials, the accused persons were found sieving expired cement. A huge quantity of cement was found from the premises.

4. 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.

5. It has also been submitted that the co-accused persons Gaurav Yadav and Saurabh Yadav, Parmeshwar and Bablu have already been enlarged on bail by means of orders dated 30.10.2023 & 08.11.2023, passed by this Court in Criminal Misc. Bail Application Nos.12673 of 2023 & 13304 of 2023 respectively.

6. The learned A.G.A. has opposed the bail application and he has stated that the investigation of the case is still going on.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the only allegation against the applicant is that he was sieving expired cement; that

the F.I.R does not mention the date of expiry of cement; that there is no allegation that the applicant was doing the alleged act for selling the cement by deceiving the customers, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 26.09.2023, whereas four co-accused persons have already been enlarged on bail by this court 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.

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

9. Let the applicant-***Vinay Kumar Rathore***, 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 :- 21.11.2023

Pradeep/-