

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13841 of 2023

Applicant :- Tufan

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

Counsel for Applicant :- Smt. Shobha Singh, Dhruvendra Pratap

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Dhruvendra Pratap, learned counsel for the applicant, Sri Neeraj Kumar Tiwari, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 487 of 2023, under Sections 379, 411, 413 I.P.C., registered at Police Station Kotwali Sadar, District Lakhimpur Kheri.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.06.2023, alleging that a calf of buffalo had been stolen from the informant's house at about 2.30 a.m. on 30.05.2023.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's criminal history of three other cases has been disclosed in para 11 of the affidavit filed in support of the application, in two of which he has been granted bail and in the third case he has been served with a notice under Section 41-A Cr.P.C.
5. The learned A.G.A. has opposed the prayer for and on the basis of instructions he has submitted that the stolen calf was

recovered from the applicant when he was apprehended on the basis of an information received from a mukhbir on 01.06.2023 i.e. on the date of lodging of the F.I.R. itself, however, the alleged recovery has not been witnessed by any independent witness.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is languishing in jail since 01.06.2023 and without making any observation, 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 in the aforesaid crime.

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

8. Let the **applicant-Tufan** 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 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.

(Subhash Vidyarthi, J.)

Order Date :- 23.11.2023
Ram.