

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13831 of 2023

Applicant :- Vikas Dubey @ Ajay Kumar Dubey

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

Counsel for Applicant :- Ajay Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ajay Kumar Singh, learned counsel for the applicant, Sri Manish Kumar Pandey, the 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. 442 of 2023, under Sections 489-A, 489-B, 489-C, 489-D I.P.C., registered at Police Station Madiyaon, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.08.2023 against six persons, including the applicant alleging that on the basis of information received from a mukhbir three co-accused persons, including the applicant were arrested and some fake currency notes were recovered from their possession. On the basis of the statement of those three persons the police reached in a room of a hotel in which the co-accused Ravi Prakash @ Avinash Pandey and Utkarsh Dwivedi were said to be present and some fake currency notes, a laptop, a printer and a lamination machine etc. were recovered from the room.
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 involvement in three other cases has been disclosed in para 28 of the affidavit and a supplementary affidavit has been filed disclosing the applicant's involvement in another case and the applicant has been granted bail in all those cases. The co-accused Utkarsh Dwivedi from whom also some fake currency notes, a laptop, a printer and a lamination machine were alleged to have been recovered has been enlarged on bail by this court by means of an order dated 30.10.2023, passed in Criminal Misc. Bail Application No.12721 of 2023.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the alleged recovery has not been witnessed by any independent person; that the printer and the laptop etc. alleged to have been recovered are commonly used articles and that the applicant is languishing in jail since 28.08.2023 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-Vikas Dubey @ Ajay Kumar Dubey** 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.

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(Subhash Vidyarthi, J.)

Order Date :- 23.11.2023

Ram.