

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 13905 of 2023

**Applicant :-** Mohd. Sajid @ Sahid @ Lapkan And Another

**Opposite Party :-** State Of U.P. Through Additional Chief Secretary, Department Of Home, Lucknow

**Counsel for Applicant :-** Satish Kumar Misra

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi,J.**

1. Heard Sri Satish Kumar Misra, the learned counsel for the applicant, Sri Jayant Singh Tomar, learned A.G.A.-I for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No.0375 of 2023, under Sections 357/452/392/504/506 I.P.C., registered at Police Station Kotwali Nagar, District Ayodhya/Faizabad.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.06.2023 alleging that the informant is an employee of a company Bhugan Infracon Pvt. Ltd.. On the date of lodging of F.I.R. while he was working in the office alone, three persons came to the office between 11.45-12.00 hrs. two of whom had covered their faces. They threatened the informant with a pistol, tied him up to a chain, tied his mouth also and robbed Rs.3,50,000/-. The F.I.R. states that after the accused persons had left the informant freed himself and unlocked the door from outside with the help of a stick, went out and informed the company's owner through mobile phone of another employee Ashish Verma. The police claimed to have arrested the applicant on 05.08.2023 and it is claimed that on the basis of an information given by the applicant no.1

Rs.43,000/- buried in an open place and Rs.40,000/- are alleged to have been recovered from the house of the applicant no.2. The recovery was made on 13.08.2023. The informant has supported the F.I.R. allegation in his statement recorded under Section 161 Cr.P.C. Another employee of the same company namely Ashish Verma stated that at the time of incident he was sitting outside the office beneath a tree and he narrated the incident as an eye witness and gave the same version as was given by the informant.

4. In the affidavit filed in support of bail application it has been stated that the applicants are innocent and they have been falsely implicated in the present case for the reason that they were working in a project being executed by the company and they were demanding their remuneration. The applicants' involvement in fourteen other cases have been disclosed in para 23 of the affidavit filed in support of the bail application.

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 incident allegedly took place on 20.06.2023 when the informant was alone in the office and another employee was sitting outside the office and as per the version of that employee it appears that he witnessed the entire incident without taking any steps to prevent the same and he even did not come forward to save the informant even after the accused persons had left after causing the incident; that the applicants were arrested on 05.08.2023 and the recovery has allegedly been made on 13.08.2023 i.e. after keeping them in custody for eight days; that the recovery from the applicant no.1 is shown to have been made from an open place; that the applicants are languishing in jail since 05.08.2023 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 applicants on bail in the aforesaid crime.

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

8. Let the **applicants-Mohd. Sajid @ Sahid @ Lapkan & Anis** 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 applicants shall not tamper with the prosecution evidence;
- (ii) the applicants shall not pressurize the prosecution witnesses;
- (iii) the applicants shall appear on each and every date fixed by the trial court.

**(Subhash Vidyarthi, J.)**

**Order Date :- 24.11.2023**  
Ram.