

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14029 of 2023

Applicant :- Suraj

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

Counsel for Applicant :- Abhinav Srivastava, Sharik Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned Counsel for the applicant, learned A.G.A. for the State and perused the record.

The accused- applicant is involved in Case Crime No. 644 of 2023, under Sections 395, 412 I.P.C., Police Station Kotwali Nagar, District- Pratapgarh.

It is argued by the learned counsel for the applicant that the incident is false. The applicant is not named in the FIR. There is no criminal history to the credit of the applicant. Co accused persons Prem Kumar @ Hitesh and Sandeep Kumar have been granted bail by this court earlier. The applicant is languishing in jail since 28.9.2023, hence, the prayer for bail is made.

Learned A.G.A. however, opposed the prayer for bail of the applicant and submitted that the Aadhaar Card and Rs. 1000/- which are alleged to have been robbed from the first informant have been recovered from the possession of the applicant. As there was no recovery from the co-accused persons who have been earlier granted bail, so the case of the applicant is distinguishable from the case of those co accused persons.

In the FIR, there is allegation of thrashing the first informant with kicks and fists by the unknown accused persons. The name of the present applicant came into light during investigation. It is alleged that apart from Rs. 1000/- an Aadhar Card of the first informant has also been recovered from the possession of the present applicant. No injury report has been placed before the court. On the recovered notes of Rs. 1000/- no specific identification mark has been placed before the court to show that these were the notes which were robbed from the first informant. The co accused persons namely Prem Kumar @ Hitesh and Sandeep Kumar have been granted bail by this court earlier.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a case of bail.

The bail application is allowed.

Let the applicant Suraj who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.

2. He will not tamper with the witnesses.

3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 29.11.2023

Gss