

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14223 of 2023

Applicant :- Ayan

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

Counsel for Applicant :- Shailendra Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Shailendra Kumar, the learned counsel for the applicant, Sri Pramod Kumar Shukla, 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.199 of 2023, under Sections 380, 411 I.P.C., registered at Police Station Kotwali Nagar, District Bahraich.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.07.2023 stating that the applicant had committed theft of Rs.3,50,000/- cash from the informant's house on 10.07.2023. The police claimed to have recovered Rs.1,22,000/- from the pocket of the applicant.
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 another case bearing Case Crime No.361 of 2022, under Sections 457, 380, 411 I.P.C. Police Station Kotwali Nagar, District Bahraich has been disclosed in para 17 of the affidavit which F.I.R. was lodged against unknown person and the applicant has been granted bail in that case by means of order passed by learned sessions court.

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 theft was allegedly committed on 10.07.2023, whereas the F.I.R. was lodged on 12.07.2023; that the incident was not witnessed by any person yet the applicant has been named in the F.I.R. and that the alleged recovery has not been made by any independent witness and that the applicant is languishing in jail since 13.07.2023 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-Ayan** 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 :- 4.12.2023

Ram.