

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 14171 of 2023

**Applicant :-** Nizamuddin @ Raju

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

**Counsel for Applicant :-** Vipin Kumar Mishra

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

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

1. Heard Sri Vipin Kumar Mishra, learned counsel for the applicant, Ms Charu Singh, 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. 16 of 2018, under Sections 395, 341, 412 I.P.C., registered at Police Station Utraula, District Balrampur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 02.02.2018 alleging commission of theft by some unknown persons. The police claimed to have arrested one Vipin Kumar Srivasatava and the applicant has been implicated on the basis of custodial statement of Vipin Kumar Srivastava.
4. In the affidavit filed in support of bail application it has been stated that the applicant has been falsely implicated in the present case.
5. The applicant's involvement in 25 other cases has been disclosed in the affidavit filed in support of the application, in five of which he has been implicated along with his implication in the present case, in four of the cases, he has been acquitted and in sixteen cases he has been granted bail.
6. Learned counsel for the applicant has submitted that the applicant is languishing in jail since 18.08.2018 and only one witness has been examined till date.
7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated in the present case solely on the basis of custodial

statement of co-accused person and no incriminating material has been recovered from the applicant; that the applicant is languishing in jail for the past more than five years and the trial is yet to conclude 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.

8. Accordingly, this bail application stands allowed.

9. Let the applicant-**Nizamuddin @ Raju** 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.

**Order Date :- 2.12.2023**

Renu/-