

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14117 of 2023

Applicant :- Rishi Kant Tiwari @ Rishi Kant Tripathi

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt., Lucknow

Counsel for Applicant :- Arvind Kumar Verma, Suraj Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Arvind Kumar, the learned counsel for the applicant, Ms. Charu Singh, 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.320 of 2023, under Sections 395, 412 I.P.C., registered at Police Station Dubagga, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.10.2023 alleging commission of theft in the informant's house.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history. It has also been stated that the applicant is a driver who drives an App. based taxi and he has been implicated in the present case merely because the co-accused person had gone to commit the offence after hiring the applicant's taxi. A cover of coconut made by white metal and Rs.3620/- are said to have been recovered from the pocket of pants worn by the applicant.

5. The learned A.G.A. has opposed the prayer for bail and on the basis of instructions she has submitted that an advocate had made the plan for commission of offence under which the applicant's taxi was used for travel of the co-accused persons to and from the place of occurrence. She has further submitted that

the applicant could not produce the documents related to his vehicles and he has been challaned for the same reason.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that it is case of the prosecution also that the applicant is a driver of a commercial vehicle which was hired for commission of the offence by other co-accused persons; that although some recovery is alleged to have been made from the applicant, but the same recovery has not been witnessed by any independent witness; that the applicant has no previous criminal history and he is languishing in jail since 12.10.2023 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-Rishi Kant Tiwari @ Rishi Kant Tripathi** 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 :- 30.11.2023

Ram.