

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14273 of 2023

Applicant :- Kuldeep Singh Chandel

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

Counsel for Applicant :- Anil Kumar Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Anurag Shukla, holding brief of Sri Anil Kumar Awasthi, the learned counsel for the applicant as well as Sri Pramod Kumar Shukla, the learned A.G.A. for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 304 of 2023, under Section 394, 411 120-B I.P.C., registered at Police Station Hasanganj, District Unnao.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 27.09.2023 alleging commission of a robbery by three persons riding a SUV, at about 9:15 pm on 26.09.2023.

4. The police claimed to have arrested two persons, not including the applicant, on 28.09.2023 on the basis of information received from a mukbhir and it is alleged that Rs. 3,50,000/- were recovered from each of them. The applicant was implicated on the basis of custodial statement of the co-accused persons, and Rs.3.5 Lakh are said to have been recovered from the applicant also.

5. In the affidavit filed in support of the 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.Co-accused Nikhil Awasthi has been granted bail by this Court by means of the order dated 07.11.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.13116 of 2023.

6. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident in question allegedly took place at about 09:15 pm on 26.09.2022 and the F.I.R has been lodged at 05:10 hours on 27.09.2023; that the police claimed to have arrested two co-accused person sitting in the same vehicle around the place of the incident itself on 28.09.2023 and to have recovered Rs. 3,50,000/- from each of the apprehended person the applicant has been implicated on the basis of custodial statement of co-accused persons

and precisely Rs.3.5 Lakh are said to have been recovered from the applicant, which recovery has not been witnessed by any independent person; that although it is claimed that the victim had identified the applicant but the procedure prescribed in law for identification of the accused has not been followed in the present case, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 28.09.2023, co-accused Nikhil Awasthi has been granted bail and without making any observations 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.

8. Accordingly, this bail application stands allowed.

9. Let the applicant- Kuldeep Singh Chandel 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 the 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 :- 5.12.2023
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