

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14224 of 2023

Applicant :- Vinay Kumar

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

Counsel for Applicant :- Ram Chandra Dwivedi, Girish Chandra Misra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Udai Pratap Singh holding brief of Sri Ram Chandra Dwivedi, the learned counsel for the applicant, Sri Jugal Kishore, 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. 153 of 2023, under Sections 392/411 I.P.C., registered at Police Station Achalganj, District Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 29.07.2023 alleging robbery of a licensed gun from the applicant committed by two unknown motorcycle borne miscreants. The police claimed to have arrested the applicant and a co-accused person Manish Kumar on the basis of an information received from a mukhbir and a gun has allegedly been recovered from the house of the co-accused Manish Kumar on the pointing out of both the co-accused persons.

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.

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 although the gun has been recovered on the pointing out of both the accused persons it has been recovered from the house of the co-accused Manish Kumar; that the alleged recovery has not been witnessed by any independent person; that the applicant has no previous criminal history and he is languishing in jail since 25.09.2023 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**-Vinay Kumar 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.