

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14213 of 2023

Applicant :- Avanish Pratap Singh

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

Counsel for Applicant :- Raja Babu Gupta, Santosh Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Raja Babu Gupta, learned counsel for the applicant, Sri Jayant Singh Tomar, learned AGA-I for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 281 of 2023, under Sections 406, 504, 506, 120-B, 4198, 420, 467, 468, 471 IPC, Police Station Itiyathok, District Pratapgarh.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.06.2023 alleging that the applicant had taken three vehicles on rent under agreement but neither he paid the hire charges for the vehicles nor did he return the vehicles.

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.

5. It has further been contended that the applicant has already returned the vehicles.

6. In para 23 of the affidavit, the applicant's involvement in five other cases have been disclosed, in one of which he stands acquitted, in two cases he has been granted bail, in one case the writ petition filed by him has been disposed of observing that the applicant will be given benefit of the orders passed by the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar and Nikesh Tarachand Shah and in yet another case he has not been summoned till date.

7. Learned AGA has opposed the application and on the basis of instructions received by him he has submitted that the vehicle in question have been recovered/ delivered.

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

10. Having considered the aforesaid facts and circumstances of the case 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 case.

11. Accordingly, this bail application stands ***allowed***.

12. Let the applicant-***Avanish Pratap Singh*** 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 :- 4.12.2023

Pradeep/-