

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14253 of 2023

Applicant :- Deepak

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

Counsel for Applicant :- Nijam Ahamad

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Nijam Ahamad learned counsel for the applicant, Sri Jayant Singh Tomar learned A.G.A.-I 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. 345 of 2020, under Section 307 I.P.C., registered at Police Station Raje Sultanpur, District Ambedkar Nagar.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.08.2020 alleging that when the police party had apprehended two persons, they fired at the police party. Co-accused Indrajeet @ Rudal was arrested whereas the other person escaped and the arrested person told that the other person was the applicant.
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. Supplementary affidavit has been filed on behalf of the applicant disclosing his involvement in five other cases, in all of which he has been granted bail.
6. Co-accused Indrajeet @ Rudal has already been granted bail in the present case by means of an order dated 10.12.2021 passed by this Court in Bail Application No.6387 of 2021.
7. The learned A.G.A. has opposed the prayer for bail but he

could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR was lodged against two persons; the applicant has been implicated on the basis of custodial statement of the co-accused person, who has already been granted bail 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.

9. Accordingly, this bail application stands allowed.

10. Let the applicant-**Deepak** 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

Renu/-