

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14409 of 2023

Applicant :- Puneet Yadav

Opposite Party :- State Of U.P. Thru. Prin. Secy. /Addl. Chief Secy. Home Lko.

Counsel for Applicant :- Umesh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned Counsel for the applicant, learned A.G.A. and perused the record.

The accused- applicant is involved in Case Crime No. 408 of 2023, under Sections 379, 411 I.P.C., Police Station Kotwali Akbarpur, District- Ambedkarnagar.

It is argued by the learned counsel for the applicant that the FIR was lodged against the unknown thief on 18.7.2023, while the applicant along with one co accused is shown to be arrested on 3.9.202 along with two motorcycles and on the basis of his confessional statement before the police, the applicant has been falsely implicated in the present case. While the motorcycle involved in the present case is not said to have been recovered from the applicant. Previously the applicant had no criminal history. After implicating in the present case two more same kind of cases have been slapped on the applicant. The applicant is a driver by profession and is languishing in jail since 3.9.2023, hence, the prayer is made accordingly.

Learned A.G.A. opposed the prayer for bail of the applicant and submitted that on the basis of confessional statement of the applicant and the co-accused person in the recovery memo dated 3.9.2023, the applicant has been implicated in the present case.

From the perusal of the record, it is found that on the theft of motorcycle of the first informant an FIR was lodged against the unknown persons on 18.7.2023. When the applicant was apprehended by the police along with one co accused person with two motorcycles on 3.9.2023 at the pointing out of them ten other motorcycles are said to have been recovered by the police. On the confessional statement of the applicant and co

accused person that they all were indulged in stealing the vehicles, the applicant has been implicated in the present case. Because of number plates being forged the recovery of two stolen motorcycles could not be connected with the present incident. The applicant is languishing in jail since 3.9.2023.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a case of bail.

The bail application is allowed.

Let the applicant Puneet Yadav who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to the prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 7.12.2023

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