

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2823 of 2023

Applicant :- Rajnish Shukla @ Rajesh @ Chhotu @ Rajnish Kumar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Lucknow And Another

Counsel for Applicant :- Pradyumn Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Pradyumn Shukla, the learned counsel for the applicant as well as Ms. Charu Singh, learned A.G.A. appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 285 of 2023, under Sections 379, 420, 467, 468, 471 I.P.C., registered at Police Station Purwa, District Unnao.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.07.2023 alleging commission of theft of a motorcycle.
4. The police claimed to have arrested two persons on the basis of information received from a mukhbir and to have recovered three motorcycles and it is claimed that in their custodial confessional statement, the aforesaid co-accused persons had implicated the applicant also.
5. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is innocent and he has falsely been implicated in the present case.
6. It has further been stated that the applicant has lodged an F.I.R. No. 47 of 2023, under Sections 279, 323, 504, 506, 427 I.P.C, registered at Police Station Purwa, District Unnao, against two named persons, stating that they had intentionally hit the applicant's motorcycle with their own four wheeler vehicle and thereafter a counter blast F.I.R. No. 187 of 2023 was lodged against him. Thereafter, the applicant has been implicated in the present case and another

case bearing Case Crime No. 284 of 2023, under Sections 379, 411 I.P.C, registered at Police Station Purwa, District Unnao, which is of a similar nature. The applicant has already been granted bail in the other case No. 284 of 2023 by means of an order dated 09.11.2023 passed by this court in Criminal Misc. Anticipatory Bail Application No. 2634 of 2023.

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 without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

10. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of applicant- **Rajnish Shukla @ Rajesh @ Chhotu @ Rajnish Kumar** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness;

(Subhash Vidyarthi, J.)

Order Date :- 8.12.2023/Preeti.