

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14565 of 2023

Applicant :- Saroj

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

Counsel for Applicant :- D.P. Dutt Tiwari, Deependra Pratap Singh, Deepika Gupta, Hritik Dwivedi, Mayank 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.

This application has been moved by the applicant - Saroj to enlarge him on bail in Case Crime No. 329 of 2023 under Sections 457, 380, 411 IPC, Police Station Gazipur, District Lucknow.

It is argued by the learned counsel for the applicant that the applicant has been implicated in the matter on the basis of his confessional statement and along with present case, three more cases have been slapped against him. Out of these three cases, he is on bail in one case. The recovery of Rs. 1300/- and some jewellery is shown from him. The FIR was lodged against unknown persons. The applicant is not named in the FIR. It is not disclosed by the prosecution as to how the present applicant is connected with the offence. The applicant is languishing in jail since 017.08.2023, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail and submitted that at the time of arrest the applicant confessed that jewellery and money recovered from him were stolen by him from the house of the first informant. Hence, he has been rightly implicated in the case.

From perusal of the record, it is found that the FIR was lodged against unknown persons and while arrested by the police along with some jewellery and money on the basis of confession of the applicant, he has been implicated in the present case. There is no witness of this recovery. The recovered jewellery has not been identified by the first informant and on the recovery of notes no identification mark is alleged by the police or the first informant. The applicant is languishing in jail since 17.08.2023.

Considering the facts and circumstances of the case, perusing the record, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merits of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant **Saroj** involved in the aforesaid case be released on bail on furnishing personal bonds and two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date 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 court below 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 :- 11.12.2023

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