

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14596 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 Subhash Vidyarthi, J.

1. Heard Shri D.P. Dutt Tiwari, learned counsel for applicant and Ms. Charu Singh, learned A.G.A. for the State.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 176 of 2023, under Sections 457, 380, 411 IPC, Police Station Aliganj, District Lucknow.
3. The aforesaid case has been registered on the basis of an FIR lodged on 24.6.2023 alleging commission of theft in the informant's house. The police came to have arrested two persons, including the applicant, on 16.8.2023 and to have recovered some articles from each of them, which are said to have been stolen by them. It is claimed that in their custodial statement, the applicant confessed his involvement in commission of four offences, including the present one.
4. In the affidavit filed in support of bail application it has been stated that the applicant has been falsely implicated in the present case.
5. A supplementary affidavit has been filed by the applicant, disclosing his involvement in another case bearing no.693 of 2018 under Section 420, 468 IPC Police Station-Godamba, District Lucknow., in which he was given notice under Section 41A Cr.P.C. and has not been summoned by the Court.
6. Out of the three other cases in which the applicant has been implicated on the basis of his alleged confession made in custody, the applicant has already been granted bail in two other cases.
7. Having considered the aforesaid facts and circumstances of the case, I am of the view that the applicant is entitled to be

released on bail in the present case also.

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

9. Let the **applicant- Saroj** be released on bail in Case Crime No. 176 of 2023, under Sections 457, 380, 411 IPC, Police Station Aliganj, District Lucknow 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.

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[Subhash Vidyarthi, J.]

Order Date :- 12.12.2023

-Amit K-