

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14972 of 2023

Applicant :- Pramod Dubey

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

Counsel for Applicant :- Ashish Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ashish Kumar Singh, learned counsel for the applicant, Smt Poonam Gupta, learned A.G.A. 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.388 of 2023, under Sections 392, 411 I.P.C. and Section 3/25 Arms Act, registered at Police Station Wazeerganj, District Gonda.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.08.2023 at 23:57 Hours alleging that when the informant was riding his motorcycle with his wife and children at about 7:30 PM on 12.08.2023, an unknown accused person riding another motorcycle threatened him with a weapon and when the informant slowed down his motorcycle, the miscreant snatched away the bag of the informant's wife in which a mobile phone and Rs.3,000/- were kept. The informant alighted his wife and daughter and chased the miscreant and after some distance, the miscreant took his motorcycle and escaped in a sugarcane field.
4. In the affidavit filed in support of bail application, it has been stated that the applicant is an innocent young person, he has been falsely implicated in the present case and he has no criminal history.
5. The police claimed that they searched for the miscreant in the sugarcane field during night but he could not be found because of darkness and in the morning, he was arrested from the field. Robbed

articles were recovered from the applicant's possession.

6. The learned A.G.A. has opposed the prayer for bail and has submitted that the robbed articles have been recovered from the applicant's possession.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident occurred at 7:30 PM but the informant went to lodge the FIR at 11:57 PM; that strangely the accused person continued to remain at the same place during night and he was arrested on the next day from there; that though the recovery has been witnessed by two persons of informant's village, place of occurrence and recovery does not fall in the informant's village; that the applicant has no previous criminal history and he is languishing in jail since 13.08.2023 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.

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

9. Let the **applicant**-Pramod Dubey be released on bail in aforementioned 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.

(Subhash Vidyarthi, J.)

Order Date :- 19.12.2023
prateek