

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 15039 of 2023

**Applicant :-** Manish

**Opposite Party :-** State Of U.P Thru. Prin. Secy. Home Deptt. Civil Sectr. Lko.

**Counsel for Applicant :-** Rakesh Kumar Tripathi

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi,J.**

1. Heard Sri Rakesh Kumar Tripathi, the learned counsel for the applicant, Sri J.S. Tomar, the learned A.G.A.-I for the State and perused the record.

2. This application has been moved by the applicant with a prayer to enlarge him on bail in Case Crime No.0460 of 2023, under Sections 392, 411 I.P.C., Police Station Ram Kot, District- Sitapur.

3. It is argued by the learned counsel for the applicant that the applicant is not named in the FIR. There is allegation of snatching Rs. 1,37,000/- from the first informant. The applicant is said to have arrested by the police on 27.09.2023 and Rs.37,000/- is shown to have been recovered from the applicant, while he was picked up from his home. He is not involved in the incident. He has no criminal history. He has been falsely implicated. He is languishing in jail since 27.09.2023, hence, the prayer of bail is made. It has also been submitted on behalf of the applicant that the co-accused Samsher Singh has already been granted bail by this court by means of an order dated 06.12.2023, passed in Criminal Misc. Bail Application No.14314 of 2023.

4. Learned A.G.A., however, opposed the prayer and submitted that the applicant was arrested by the police on 27.09.2023 and a recovery of Rs.37,000/- was made from him. It was confessed by the applicant that these were the rupees, which were robbed by him and co-accused persons from the first informant.

5. From the perusal of the record, robbery of Rs. 1,37,000/- by two unknown motorcycle riders was alleged in the FIR. When the police arrested three persons next day on 27.09.2023 it is alleged that recovery of Rs. 37,000/- was made from the present applicant. No mark of identification is shown on the rupees

recovered from the applicant that these were the rupees, which were robbed from the first informant. Applicant has been implicated on the basis of the confession of the accused persons. Applicant is languishing in jail since 27.09.2023. It has also been submitted on behalf of the applicant that the co-accused persons Sunit and Shamsheer Singh have already been granted bail by means of orders dated 18.12.2023 and 06.12.2023, passed by this court in Criminal Misc. Bail Application Nos.14932 of 2023 and 14314 of 2023 respectively.

6. 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 fit case for granting bail to the applicant.

7. Accordingly, the bail application is **allowed**.

8. Let the **applicant-Manish** be released on bail in the aforesaid 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.

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**(Subhash Vidyarthi, J.)**

**Order Date :- 20.12.2023**

Ram.