

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15000 of 2023

Applicant :- Uttam Pandey

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

Counsel for Applicant :- Santi,Rizwanul Haque Ansari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Ms. Ankita, the learned counsel for the applicant, Ms. Charu Singh, the 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. 372 of 2022, under Sections 397, 412 I.P.C., registered at Police Station Jankipuram, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.12.2022 against two unknown miscreants riding a four wheeler vehicle stating that they had shot at the informant's husband with intention of killing him and had taken away the keys of his shop and his mobile phone.

4. In the statement of the victim recorded under Section 161 Cr.P.C. he has stated that two persons had pushed him due to which he fell down and they tried to snatch away his bag wherein the keys of his shop were kept and when he resisted one of the persons fired at him. At the same time a car stopped there and two persons alighted from the car and snatched away his mobile phone and all the four persons went away in the car. The police claimed to have arrested six persons on the basis of information received from a mukhbir and it is claimed that all the persons confessed that they had given effect to the incident in question. Rs.100/- are said to have been recovered from the applicant and some amounts have been recovered from other persons. It is alleged that a revolver and five cartridges were recovered from the co-accused Saurabh Pandey.

5. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no previous criminal history.

6. The learned counsel for the applicant has submitted that the co-accused persons have already been granted bail by this court.

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 keeping in view the fact that the F.I.R. alleges commission of offence by two persons, the victim stated that four persons were involved in the commission of offence and the police arrested six persons on charges of having committed the offence; that only Rs.100/- have been recovered from the applicant and no incriminating material has been recovered from him; that besides the custodial confessional statement of co-accused persons there is no other material against the applicant and that all the co-accused persons have already been granted bail, coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 02.01.2023 and without making any observation, which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail in the aforesaid crime.

9. Accordingly, this bail application stands allowed.

10. Let the **applicant-Uttam Pandey** 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 :- 19.12.2023

Ram.