

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15121 of 2023

Applicant :- Nepali @ Rohit Kumar

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

Counsel for Applicant :- Faiz Ahmad Khan

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Faiz Ahmad Khan, learned counsel for the applicant, Sri Jayant Singh Tomar, the learned A.G.A.-I 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. 437 of 2022, under Sections 41, 411, 413, 419, 420, 467, 468, 471 I.P.C., registered at Police Station Kotwali Nagar, District Gonda.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.07.2022 against three persons, including the applicant, alleging that on the basis of an information received from a mukhbir a motorcycle was intercepted on which the accused persons were riding. Two persons escaped and one Shivam was arrested and in his custodial statement he confessed that the motorcycle was stolen. On his pointing out nine other motorcycles were recovered.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in 7 cases has been disclosed in the supplementary affidavit, in 5 of which he has already been granted bail.
7. Learned counsel for the applicant has submitted that the co-accused Sanjay Loniya has already been enlarged on bail by this court by means of an order dated 03.07.2023, passed in Criminal Misc. Bail Application No.12617 of 2022. Co-accused Shivam @ Shubham Tiwari has already been granted bail by means of an order dated 15.09.2023 passed by this Court in Criminal Misc. Bail Application No. 11100 of 2022.
8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the recovery memo

itself mentions that the recovery was not witnessed by any independent person, the co-accused Shivam has already been granted bail and coupled with the fact that the applicant is languishing in jail since 03.05.2023 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.

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

10. Let the applicant- ***Nepali @ Rohit Kumar*** be released on bail in Case Crime No. 437 of 2022, under Sections 41, 411, 413, 419, 420, 467, 468, 471 I.P.C., registered at Police Station Kotwali Nagar, District Gonda 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.

Order Date :- 22.12.2023

Pradeep/-