

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15052 of 2023

Applicant :- Abhishek Gautam

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

Counsel for Applicant :- Rizwanul Haque Ansari,Santi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rizwanul Haque Ansari, the learned counsel for the applicant and Ms. Priya Jaiswal, the learned AGA 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.210 of 2023, under Section 392/411 I.P.C., registered at Police Station Maigalganj, District Lakhimpur Kheri.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 27.05.2023 in furtherance of an application under Section 156 (3) Cr.P.C. alleging robbery committed by three motorcycle borne miscreants. The police claimed to have arrested four persons, including the applicant and to have recovered Rs. 1,000/- cash from the applicant.
4. 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. It has further been stated that after his arrest the applicant has been implicated in three cases.
5. Co-accused Pinku Mishra has already been granted bail by means of an order dated 05.09.2023 passed by this Court in Criminal Misc. Bail Application No. 10909 of 2023.
6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident occurred on 18.04.2022 and the application under Section 156 (3) Cr.P.C. was filed on 06.05.2023; that there appears to be no witnesses of the alleged incident or of the recovery; that the applicant is a

young man aged about 25 years and he is languishing in jail since 17.06.2023 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-***Abhishek Gautam*** be released on bail in Case Crime No.210 of 2023, under Section 392 I.P.C., registered at Police Station Maigalganj, District Lakhimpur Kheri 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 :- 20.12.2023

Pradeep/-