

Court No. - 33

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2326 of 2024

Applicant :- Deepak Agrahari

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

Counsel for Applicant :- Rajesh Kumar, Shivam Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned counsel for the applicant, learned A.G.A. through video conferencing and perused the record.

This application has been moved by the applicant- Deepak Agrahari to enlarge him on bail in Case Crime No.493 of 2023, under Sections 379, 411 IPC, Police Station Kotwali Akbarpur, District Ambedkar Nagar.

It is submitted by the learned counsel for the applicant that regarding theft of the motorbike on 25.07.2023 the first information report was lodged on 23.08.2023. On 02.09.2023 the present applicant alongwith two other co-accused persons was arrested on the same motorbike, which is said to have been stolen, as per the impugned FIR. As per the statement of co-accused Puneet Yadav this motorcycle was given to Puneet Yadav by his brother Vivek Yadav. It is further submitted that as co-accused Puneet Yadav, has already been granted bail by this court vide order dated 07.12.2023 and the present applicant is languishing in jail since 02.09.2023, hence, the prayer for bail is made.

Learned A.G.A., however, submitted that impugned motorcycle is said to have stolen by Vivek Yadav, the brother of co-accused Puneet Yadav, hence, it cannot be said to be a case of parity. It is also submitted that there is criminal history of two more cases against the applicant, hence, prayer is opposed.

From the perusal of the record, it is found that regarding incident of theft dated 25.07.2023 an FIR was lodged on 23.08.2023. The recovery of the motorcycle is shown on 02.09.2023 from the joint possession of applicant and two other co-accused persons. Co-accused Puneet Yadav has been granted bail earlier by this Court.

The applicant is languishing in jail since 02.09.2023.

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 case of bail.

The bail application is allowed.

Let the applicant- **Deepak Agrahari**, who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:-

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. The applicant will not tamper with the witnesses.
3. The applicant will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 1.3.2024

Radhika