

Court No. - 31

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2506 of 2024

Applicant :- Pankaj Sonkar

Opposite Party :- State Of U.P Thru. Its Addil. Chief Secy. Civil Sectr. Govt. Lko.

Counsel for Applicant :- Manmohan Singh, Dilip Kumar Verma

Counsel for Opposite Party :- G.A.

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

Heard learned Counsel for the applicant through video conferencing as well as learned A.G.A. and perused the record.

The accused- applicant is involved in Case Crime No. 493 of 2023, under Sections 379, 411 I.P.C., Police Station Akbarpur, District- Ambedkar Nagar.

It is argued by the learned counsel for the applicant that the applicant is not named in the FIR. The incident is dated 25.7.2023, while the FIR has been lodged on 23.8.2023. The name of the applicant was unearthed on 2.9.2023 when he was apprehended by the police along with two co -accused persons on the same motorcycle. Co-accused Punit Yadav was driving the motorcycle. As per the recovery memo, Punit Yadav has admitted that this motorcycle was given to him by his brother Vivek Yadav. The present applicant was only sitting on the motorcycle along with Punit Yadav who has been bailed out on 10.3.2023. Co-accused Deepak having similar role also has been granted bail by this court, hence, on the ground of parity, the bail of the applicant is being sought.

Learned A.G.A. opposed the prayer but he could not dispute the fact that co-accused persons having similar role have already been enlarged on bail.

From the perusal of the record, it is found that the FIR regarding the theft of the motorcycle was registered against unknown persons. The name of the present applicant came into light when he along with co-accused was apprehended by the police on 2.9.2023 and on the confession of co-accused person, he has been implicated in the matter. The applicant is languishing in jail since

2.9.2023.

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 fit case of bail.

The bail application is allowed.

Let the applicant Pankaj Sonkar 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. He will not tamper with the witnesses.
3. He 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 the 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 :- 5.3.2024

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