Court No. - 76

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43108 of 2020

Applicant :- Suraj Chaudhary
Opposite Party :- State of U.P.
Counsel for Applicant :- Pradeep Kumar
Counsel for Opposite Party :- G.A.

Hon'ble Ajit Singh,J.

Heard learned counsel for the applicant and the learned A.G.A.

This is a bail application on behalf of the applicant Suraj Chaudhary in connection Case Crime No.282 of 2020, under Sections 380, 411 I.P.C., Police Station Kothibhar, district Maharajganj.

The first information report of this incident was lodged by the complainant, Ved Prakash Pandey against the present accused. It was alleged in the first information report that on 28.09.2020 at about 11.30 p.m. an unknown person came to his house and he carried away the mobile phone and Rs.2,000/- of the complainant. It was further mentioned that when the alleged thief was chased by the complainant he was identified as Suraj Chaudhary, the present applicant and named first information report was lodged against the applicant.

The submission of learned counsel for the applicant is that the applicant is quite innocent and has been falsely implicated in the present case with the ulterior motive. He submitted that the alleged recovery shown from the applicant is totally fake and false. He submitted that there is no public witness of the alleged recovery. He submitted that all the offences are triable by the Court of Magistrate. He submitted that the applicant is languishing in jail since 29.09.2020 and in case, he is released on bail he will not misuse the liberty of bail and will cooperate in the trial.

Learned A.G.A. has opposed the bail plea.

Considering the overall facts and circumstances, the nature of allegations, the gravity of offence, the severity of the punishment, the evidence appearing against the accused person, but without expressing any opinion on merits, this Court finds it to be a fit case for bail.

Accordingly, the bail application stands allowed.

Let the applicant **Suraj Chaudhary** involved in the aforesaid crime be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:

i) The applicant shall not tamper with the prosecution evidence.

ii) The applicant shall not threaten or harass the prosecution witnesses;

iii) The applicant shall appear on the date fixed by the trial court;

iv) The applicant shall not commit an offence similar to the offence of

which the applicant is accused, or suspected of the commission;

v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad, self attested by learned counsel for the applicant along with a self attested identity proof of the said persons (preferably Aadhar Card) mentioning the mobile number (s) to which the said Aadhar Card is linked before the concerned Court/Authority/Official.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 2.12.2020
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