

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, COURT NO.- 06,
ALIGARH**

Presided Over by: (Mahesha Nand Jha)....H.J.S,

J.O. ID: UP06289



Bail Application No. 6056/2022

UPAL010119682022

Vicky

Vs.

State

Case Crime No. 320/2022

U/S. 379/411 IPC

P.S. Akrabad

District- Aligarh

(1).Prefatory:-The instant bail application has been moved on behalf of accused/applicant Vicky s/o Ram Naresh, r/o- Raghunathpur, PS. Raghunathpur, District- Sivan, Bihar, in Case Crime No. 320/2022, u/s. 379/411 I.P.C, P.S.- Akrabad, District- Aligarh.

(2). Prosecution Narrative:- In the instant case F.I.R. was lodged on 01.08.2022, u/s. 379 IPC against unknown person. As per F.I.R. version on 31.07.2022 at 8:30 pm complainant was selling goods in his pan shop situated in front of Vaishno Hotel, near service road Panethi. He had parked his Vikki moped bearing registration no. UP81AH8715 outside the shop. When he went to take water in Vaishno hotel and when he came out he did not find his Vikki. He searched his vikki but did not find. Therefore complainant lodged F.I.R. and requested to take appropriate legal action against the the thief.

(3).- Averments and submissions on behalf of the Accused :- According to the grounds of bail, as stated in the application, that the accused/applicant has been falsely implicated in the instant case. Accuse/applicant is quite innocent. Accused/applicant is not named in the F.I.R.. There is no independent witness of recovery. Applicant/ accused is in custody 02.08.2022. This is the first bail application filed on behalf of the accused. No bail application is pending in any other Court or in the Hon'ble High Court. The Id. Counsel of the accused has, inter alia, argued that the accused has been falsely implicated. Hence, the bail application is liable to be allowed.

(4). Submissions on behalf of Prosecution:- Per contra, the Id. ADGC(crl.) the accused is a thief and if he is granted bail, he would misuse the same and may commit similar offence in future. Therefore the bail application is liable to be rejected.

(5). Heard the Id. Counsel of the accused and Id. ADGC(Criminal) and perused the case diary and papers on the records.

(6). Findings:- From the perusal of F.I.R. it transpires that the accused/applicant is not named in the F.I.R. After completion of investigation charge-sheet has been submitted in the Court, therefore, there is no possibility of accused to interfere with the investigation

of the case. Accused/applicant is languishing in jail since 02.08.2022. The trial likely to take some time. No fruitful purpose will be served by keeping the accused in jail for long period. The instant case is triable by the Court of Judicial Magistrate. Therefore, in the light of above facts and surrounding circumstances of the case, and without expressing any opinion on the merits of the case, in the opinion of the Court the accused is entitled to be enlarged on bail. Therefore, the bail application is liable to be allowed.

ORDER

The bail application of the accused/applicant Vicky s/o Ram Naresh, r/o- Raghunathpur, PS. Raghunathpur, District- Sivan, Bihar, in Case Crime No. 320/2022, u/s. 379/411 I.P.C, P.S.- Akrabad, District- Aligarh is, hereby, allowed. Let the accused be released on bail on furnishing a P.B. of Rs. 1,00,000/- and two solvent sureties of the like amount to the satisfaction of the Court concerned, subject to following conditions:-

- 1- That, the applicant/accused and the sureties shall mention their permanent and present addresses and mobile numbers. In case of change in the address or mobile number of the accused/sureties, the same should be brought to the knowledge of the Court in writing.
- 2- That, the applicant/accused and the sureties shall furnish a copy of Aadhaar Card and Ration Card or other I.D. Card issued by the Government.
- 3- That, the applicant/accused shall abide by the conditions laid down in section 437(3) Cr.P.C. to the effect that:-

- (a) That such applicant/accused shall attend in accordance with the conditions of the bond executed.
- (b) That such applicant/accused shall not commit any offence similar to the offences of which he/she is accused.
- (c) That such applicant/accused 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 him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

- 4- That, the accused/applicant shall cooperate in the investigation/trial of the case and shall attend the Court on dates fixed.

- 5- That, the applicant/accused shall furnish an undertaking to the effect that if any witness turns up for examination during the course of trial, she/he shall not move any adjournment application. In case of violation of this conditions, the Court will have the right to initiate appropriate legal action against the applicant/accused for misuse of bail.

- 6- That, in case of verification of sureties, verification should also be done as to whether the sureties have taken bail of any person in any other case.

Date: 11.10.2022

(Mahesha Nand Jha)
Additional Sessions Judge
Court No.-06, Aligarh