

Court No. – 53

Case :- CRIMINAL MISC. BAIL APPLICATION No. – 10023 of 2015

Applicant :- Rajan Keshari

Opposite Party :- State Of U.P.

Counsel for Applicant :- A.K. Srivastava

Counsel for Opposite Party :- Govt.Advocate

Hon'ble Harsh Kumar,J.

Supplementary affidavit filed today is taken on record.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

Learned counsel for the applicant contended that the applicant has been falsely implicated; that as per averments made in FIR lodged on 02.08.2014 the first informant had sent consignments of two truckloads of Aluminum from Hindalco Industries Limited, being Branch Manager of M/s Calcutta Express Transport Service at Ranukoot and the consignments were sent to Goa by truck No. U.P.-065 / BT 0045 and U.P.53 /AT 2755 being driven by Sunil Yadav and Rajan Keshari the applicant, respectively; that since the consignment did not reach the destination, the FIR was lodged against the truck owners as well as drivers; that recovery of truck No. 53 B 2755 bearing fake and fictitious number plate of U.P.65 AT 7395 was allegedly intercepted by police on 16.11.2014 loaded with concrete and arrest of applicant and Ramesh Saha is alleged to have been made from the truck; that the alleged recovery has been falsely planted on applicant of which there is no independent witness; that after arrest a confessional statement of applicant was recorded by the police admitting therein that he alongwith the other truck driver in collusion with co-accused persons sold the truck load of Aluminum and he as well as the other driver got Rs.50,000/- each in lieu thereof; that the above confessional statement of applicant in police custody is not a admissible in evidence; that co-accused Rang Bahadur @ Sunil Yadav, who was the driver of the another truck has been granted bail by the Sessions Court, vide order dated 26.11.2015; that co-accused Kishan Lal Rajbhar, who has been assigned with the role of preparing forged and fictitious registration papers as well as number plates and Ramesh Saha, who is alleged to have been arrested from the truck in question at the time of arrest of applicant, have been granted bail; that the applicant is not a previous convict and has no previous criminal history though after arrest in this case, he has been falsely implicated in Case Crime No.999 of 2014, Police Station Chopan, District Sonbhadra and Case Crime No.204 of 2014, Police Station Samri, District Purvi Singh Bhumi, Jharkhand, on the basis of his confessional statement; that the applicant has not committed any offence as mentioned in the FIR; that applicant is in custody since 17.11.2014;.

Learned AGA vehemently opposed the prayer for bail and contended that the applicant belongs to a Inter State gang of looters.❖

Upon hearing learned counsel and perusal of record and considering the complicity of accused, severity of punishment, grant of bail to co-accused as well as totality of facts and circumstances, at this stage without commenting on the merits of the case, I find it a fit case for bail.

Let the applicant Rajan Keshari be released on bail in Case Crime No.462 of 2014, under Sections 406, 407, 419, 420, 467, 468, 471, IPC, Police Station Pipari, District Sonbhadra, on furnishing a personal bond and two sureties each(one local) in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.
- (ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.
- (iii) The applicant will not indulge in any unlawful activities.
- (iv) The applicant will not misuse the liberty of bail in any manner whatsoever.

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

Order Date :- 21.9.2016/VKG