

## **Laxman Rajpoot vs State Of U.P. on 31 March, 2023**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 82

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14433 of 2023

Applicant :- Laxman Rajpoot

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Singh,Vijay Bahadur Shivhare

Counsel for Opposite Party :- G.A.

Hon'ble Manish Kumar Nigam,J.

Heard Shri Rahul Singh, learned counsel for the applicant, Shri R.B. Chaudhary, learned A.G.A. for the State and perused the record.

The present bail application has been filed on behalf of applicant in Case Crime No.65 of 2023, under Sections 420, 467, 468, 471, 272, 273 IPC and Section 59 of Food Safety and Standard Act, 2006, Police Station - Rath, District - Hamirpur with the prayer to enlarge the applicant on bail.

The contention of learned counsel for the applicant is that applicant is innocent and has been falsely implicated in the present case by the police. It is further contended that applicant is a labour and working in Gutkha Factory of Sanjay Sahu - owner of factory. The owner runs his factory in his house since 2008 which is registered under the Goods and Service Tax. The recovery memo as well as site plan prepared by the Investigating Officer are false and fabricated, which also does not support the prosecution case. No specific role has been assigned to the applicant. As per prosecution case, there is no independent witness to the alleged recovery. It is next contended by learned counsel for the applicant that applicant is languishing in jail since 23.2.2023 and that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

Per contra, R.B. Chaudhary, learned Additional Government Advocate has opposed the prayer for grant of bail.

Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, nature of evidence and all attending facts and circumstances of the case, without expressing any opinion on merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant - Laxman Rajpoot in Case Crime No.65 of 2023, under Sections 420, 467, 468, 471, 272, 273 IPC and Section 59 of Food Safety and Standard Act, 2006, Police Station - Rath, District - Hamirpur, be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of court concerned subject to the following conditions :-

- (1). The applicant will not tamper with the prosecution evidence during the trial.
- (2). The applicant will not influence any witness.
- (3). The applicant will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (4). 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 him from disclosing such facts to the Court to any police officer or tamper with the evidence.

In case of breach of any of the above condition, the prosecution shall be at liberty to move an application before this Court seeking cancellation of the bail.

Order Date :- 31.3.2023 Rishabh [Manish Kumar Nigam, J.]