

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 21508 of 2023

Applicant :- Meghnath

Opposite Party :- State of U.P.

Counsel for Applicant :- Satish Kumar Yadav, Dalvir Singh

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The accused-applicant seeks bail in Case Crime No.357 of 2022 under section 5/25 Arms Act, P.S. Bichhwan, District Mainpuri.
3. The FIR in question was lodged alleging that on the basis of a search carried out, arms were recovered which are country made pistols.
4. The counsel for the applicant argues that the recovery was not in terms of the mandate of section 100 Cr.P.C. and there were no independent witnesses to the alleged recovery and the applicant has no criminal history and is in jail since 14.11.2022.
5. This court had called for a report with regard to the status of the trial and in terms whereof, it is reported that the charges have not been framed till date and the eight witnesses are to be adduced.
6. Considering the fact that the applicant is in custody since 14.11.2022 and the trial has not yet been started as well as the recovery being not in the presence of any independent witnesses and the applicant who has no criminal history is entitled to be enlarged on bail. Thus the bail application is allowed.
7. Let the applicant **Meghnath** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount to the satisfaction of the court concerned with the following conditions:
 - (a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) 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 or to any police officer or tamper with the evidence.

Order Date :- 6.11.2023

VNP/-