

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 27629 of 2023

Applicant :- Akhilesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Mukti Nath Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. The FIR in question was lodged alleging that the recovery of counterfeit notes from the applicant.
3. The contention of the counsel for the applicant is that the applicant was a pillion rider and even the recovery is not before any independent witnesses and is solely based upon the recovery and the confessional statements. The applicant has no criminal history and he is in custody since 1.4.2023.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the fact that the recovery is not before any independent witnesses and is also not in terms of the Section 100 Cr.P.C. and the applicant has no criminal history, as such, the applicant is liable to be enlarged on bail.
6. Accordingly, the bail application is allowed.
7. Let the applicant **Akhilesh** be released on bail in FIR/ Case Crime No. 176 of 2023, under Sections 420, 489A, 489B and 489C IPC, P.S. S.M. South, District Shahjahanpur, on his furnishing personal bonds and two reliable sureties of Rs. 25,000/- each 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

S.A.