

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36548 of 2023

Applicant :- Rashid

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Belal

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. In terms of the FIR, it was alleged that certain ornaments of the wife of the informant was theft. The first information report was lodged against unknown persons, subsequently applicant being implicated in another case was linked with the present case also. He further submits that no incriminating article or material has been recovered either from the applicant or on his pointing out. He lastly submits that criminal history has been duly explained in paragraph 17 of the affidavit accompanying bail application. The applicant is in jail since 24.7.2023.

3. Learned AGA has opposed the bail application.

4. Considering the fact that apart from the recovery of one small ornament, which is not in accordance with Section 100 Cr.P.C. the applicant was linked with the offence in question. The criminal history has been properly explained in paragraph 17 and as such the applicant is entitled to be enlarged on bail. In view thereof, the application is allowed.

5. Let the applicant **Rashid** be released on bail in FIR No. 253 of 2023, under Sections 392, 411, 34 and 482 I.P.C., P.S. Simbhawali, district-Hapur, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of 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 :- 8.11.2023

Faridul