

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36753 of 2023

Applicant :- Sherkhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Naushad, Amit Rai

Counsel for Opposite Party :- G.A., Srijan Pandey

Hon'ble Pankaj Bhatia, J.

Supplementary affidavit filed today is taken on record.

Order on Bail

1. Heard learned counsel for the applicant, Sri Srijan Pandey, learned counsel for the informant as well as learned A.G.A. and perused the record.
2. The FIR in question was lodged alleging that on 25.12.2022, the informant had given certain notes to the applicant which accorded to the informant were forged. It was also alleged that the applicant had given certain assurances with regard to the return of the money and ultimately it is alleged that the applicant was involved in using the fake notes and he should be apprehended. Based upon the said FIR, the applicant was apprehended and allegedly Rs. 280/- were recovered from him.
3. It is argued that notes recovered were not the said notes, which were referred to in the FIR in question. Applicant is in custody since 27.06.2023.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the fact that no recovery of any fake notes on the applicant, prima facie, I do not see any reason why the applicant cannot be enlarged on bail. More so, applicant has no criminal history and there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the trial and without expressing any opinion on merit, I am of the view that the applicant is entitled to be released on bail.
6. Accordingly, the bail application is allowed.

7. Let the applicant **Sherkhan** be released on bail in FIR/ Case Crime No. 317 of 2023, under Sections 311, 34 IPC, P.S. Shamli, District Shamli, 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 :- 30.10.2023

S.A.