

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 37666 of 2023

Applicant :- Akbar Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Akhilesh Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the records.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 334 of 2023, under Sections 419, 420, 467, 468, 471, 120 B I.P.C. Section 66-D of I.T. Act, Police Station- Surajpur, District- Gautam Buddh Nagar, during pendency of the trial.

3. Counsel for the applicants submit that the applicant has been falsely implicated in the instant case. No incriminating article has been recovered from the possession of the applicant. As a matter of fact, the applicant is an authorized dealer (UIDAI Agency) for making Aadhar Card and co-accused Roshan works in his shop from whose possession the alleged recoveries has been made. The applicant has no nexus with the alleged recovery and the applicant cannot be punished for the misdeeds of the employees. It is next contended that generally the rule is to grant bail to the applicant rather to keep him in jail till the guilt is proved. It is contended that the applicant has fixed abode of living and there are no chances of his absconding away or tampering with the prosecution evidence in any manner. It is lastly contended that the applicant has no criminal history, he is in jail since 23.06.2023, in case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail and submitted that the applicant has taken UIDAI Agency and has set up 13 Aadhar Card centers where they prepare forged and unilateral Aadhar Card and Pan Card of foreign persons on which basis they prepare passport of such persons. The applicant has been arrested with the forged Aadhar Cards and Passports. It is contended that the accused -applicant is a member of unlawful assembly which is

indulged in preparing forged and unilateral Aadhar Card, Pan Card etc. through which they illegally receive the wrongful gain and thus they destroy the security, integrity and planning of the country which is a serious offence. The nature of offence and complexity of the accused is very much established from the evidence.

5. Having regard to the submissions made by the parties, keeping in view the seriousness of the offence, without commenting on merits of the case, I am of the opinion that the applicant is not entitled to be enlarged on bail.

6. Accordingly, the application is **rejected**.

Order Date :- 13.10.2023

S.Verma