

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39027 of 2023

Applicant :- Maruf Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Pankaj Bharti, Atul Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Counter affidavit and supplementary affidavit filed today are taken on record.

2. Heard Sri Atul Kumar and Pankaj Bharti, learned counsels for the applicant, learned A.G.A. for the State and perused the record.

3. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 240 of 2023 under Sections 420, 467, 468, 471, 411, 413, 414 I.P.C., Police Station- Civil Lines, District- Muzaffar Nagar, during the pendency of the trial.

4. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. One motorcycle has been shown to be recovered from the joint possession of the three accused. As a matter of fact, the applicant is registered owner of the car allegedly recovered from his pointing out, on 21.7.2023 when the applicant was coming from Roorkee to Muzaffar Nagar, in the way he was stopped by the police where some hot talks took place between him and the police and being annoyed the police has falsely implicated him in this case showing false recovery. There is no independent witness of the alleged recovery and arrest of the applicant. It is next contended that the co-accused, Javed, Dilshad, Muneer, Reshu on whose pointing vehicles were alleged to be recovered, have been granted bail by coordinate Bench of this Court. It is lastly contended that the applicant has no criminal history, he is in jail since 11.7.2023, in case he is enlarged on bail, he will not misuse the said liberty.

5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having regard to the submissions made above and the fact that the applicant has remained confined for more than three months, and the co-accused has been enlarged on bail, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Maruf Khan**, involved in aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 1.11.2023

S.Verma