

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38946 of 2023

Applicant :- Ishak @ Dhongi

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Rakesh Pratap Singh, learned counsel for the applicant and learned AGA for the State-respondent.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.1108 of 2019, under Sections 398, 401, 411 IPC, Police Station Quarsi, District Aligarh, during the pendency of trial.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The alleged recovery of Rs.10,000/- and a country-made pistol alongwith two live cartridges has been shown from the applicant for which there is no independent witness or any cogent evidence. It is further contended that there is criminal history of nine cases against the applicant which has been explained in paragraph-8 of the supplementary affidavit filed today and is taken on record. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 14.11.2019. In case the applicant is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail.
6. Let the applicant - **Ishak @ Dhongi**, involved in the 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.

7. 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 :- 13.10.2023

Shahroz