

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 38974 of 2023

**Applicant :-** Iqbal And 2 Others

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Vimal Kumar, Ravi Prakash

**Counsel for Opposite Party :-** G.A.

**Hon'ble Umesh Chandra Sharma, J.**

1. Counter affidavit filed today is taken on record.
2. Heard learned counsel for the applicants, 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 applicants on bail in Case Crime No. 45 of 2023 under Sections 379, 411 I.P.C., Police Station- Jogiya Udaypur, District- Siddharth Nagar, during the pendency of the trial.
4. Counsel for the applicants contends that the applicant has been falsely implicated in the present case. The applicants have neither been named in the F.I.R. nor have been arrested from the spot. They have been implicated in the case only on the basis of recovery of some money which belong to them. No case property has been recovered from the possession of the applicants. No independent witness has been shown by the police. As a matter of fact they do business of transportation of goods but the police stopped their vehicle and demanded illegal money which was denied by the applicant and being annoyed the applicants have been implicated in this false case. After arrest of the applicants in the present case, they have been implicated in three other cases, there is no previous criminal history of the applicants. The applicants are in jail since 14.06.2023. In case they are enlarged on bail, they 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 four months,

and after submission of the charge-sheet, there is no hope of early conclusion of trial, more so when co-accused persons have been granted bail and no reasonable apprehension has been brought to the fore by the State that the applicants, 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- **Iqbal, Mukin Khan and Vinod**, involved in aforesaid case be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that they:

- (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 :- 28.10.2023**

S.Verma