

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40745 of 2023

Applicant :- Inam @ Imran And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Yogendra Pal Singh

Counsel for Opposite Party :- G.A.,R.P.S. Chauhan

Hon'ble Umesh Chandra Sharma,J.

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

2. 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. 208 of 2023 under Sections 379 I.P.C. and Section 150 Railway Act, Police Station- Jani, District- Meerut, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicants are neither named in the F.I.R. nor arrested from the spot. The name of the applicants came into light during investigation and were arrested from house by the police and no recovery was made from his possession. However, a false and planted recovery of 162 fastner/iron ring and 42 iron plates has been shown by the police that too from a joint possession of the applicants and the co-accused Ajay. It is next contended that the co-accused Ajay and Sahil, having identical role, have been granted bail by this court in Criminal Misc. Bail Application No. 45693 of 2023 and Criminal Misc. Bail Application No.42698 of 2023 vide order dated 30.10.2023 and 9.10.2023. The applicants claim parity. The applicants are in jail since 7.8.2023, having no previous criminal history but after their arrest the applicants have been falsely implicated in one another case i.e. Case Crime No. 100 of 2023 u/S 379, 427 I.P.C. It is lastly contended that in case they are enlarged on bail, they will not misuse the said liberty.

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

5. Having regard to the submissions made above and the fact that

the applicants have remained confined for more than three 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 applicants are entitled to be enlarged on bail.

6. Let the applicants- **Inam @ Imran and Usman**, 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.

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 :- 24.11.2023

S.Verma