

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39943 of 2023

Applicant :- Zeeshan Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Sadrul Islam Jafri, Fakharul Islam Jafri, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicant has filed supplementary affidavit today in Court, which is taken on record.
2. Heard Sri F.I. Jafri, Senior Advocate, assisted by Sri S.I. Jafri, learned counsel for the applicant, learned AGA for the State and perused the record.
3. By means of this bail application applicant seeks bail in Case Crime No. 55 of 2023, under Sections 489-A, 489-B, 489-C, 489-E I.P.C, Police Station Basrehar, District Etawah, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is innocent. In the supplementary affidavit he has explained the case on behalf of applicant, which was later on imposed against the applicant.
5. The learned A.G.A has also filed a counter affidavit with a report of Bank Note Press, Dewas M.P. that the recovered notes were counterfeit notes.
6. Learned counsel for the applicant has contended that the applicant was taken away with his friend with two other co-accused persons forcefully by the Police on 13.07.2020, thereafter they never returned home. He further contends that the counterfeit notes of Rs.11,800/- were shown to be recovered from his possession. Learned counsel for the applicant is of the view that it is case of Section 489-C of the I.P.C and not Sections 489-A or 489-B of the I.P.C. It is further contended that the police has lodged the F.I.R against the applicant and co-accused on the basis of the present case on 24.08.2023 bearing Case Crime No. 78 of 2023 under Section 2/3 (1) of the U.P. Gangsters & Anti-social Activities (Prevention) Act, 1986. The applicant has no criminal antecedent to his credit. There is allegation only to keep the

counterfeit notes in pocket of the applicant.

7. It is also contended that considering the facts that the applicant has no criminal antecedent to his credit and that two days prior to the alleged incident a missing report has already been lodged by Qumar Alam, who was father of the co-accused. This court is of the view that the bail application of the accused applicant is liable to be allowed without prejudice to the merits of the case. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since **15.06.2023**. In case he is enlarged on bail, he will not misuse the said liberty.

8. Learned AGA has vehemently opposed the bail application but he could not dispute the submission made above.

9. 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. Accordingly, the bail application is allowed.

10. Let the applicant - **Zeeshan Ali**, involved in the aforesaid case crime 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.

11. 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 :- 02.11.2023

Vinod.