

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40087 of 2023

Applicant :- Shakeel

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Singh

Counsel for Opposite Party :- G.A., Arun Kumar Pundir

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the records.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 618 of 2022, under Section 368 I.P.C., Police Station- Khair, District- Aligarh, during pendency of the trial.
3. Counsel for the applicants submit that the applicant has been falsely implicated in the instant case. It is contended that the applicant is neither named in the F.I.R., nor has he committed any offence. The name of the applicant came into light after four months of the alleged incident in the statement of one Kadeer. The co-accused person namely Kasim who is also alleged to have given money to the main accused, has been granted bail by this Court on 26.7.2023 in Crl. Misc. Bail Application No. 19918 of 2023. The applicant claims parity. The applicant has no criminal history, he is in jail since 18.03.2023, in case, he is enlarged on bail, he 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 but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.
6. Let the applicant, **Shakeel** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

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 :- 12.10.2023

S.Verma