

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41422 of 2023

Applicant :- Kadir

Opposite Party :- State of U.P.

Counsel for Applicant :- Mayank Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Vishal Kumar holding brief of Sri Mayank Maurya, learned counsel for the applicant, learned AGA for the State and perused the record.

2. By means of this bail application, applicant seeks bail in Case Crime No.269 of 2023, under Sections 420, 489B, 489C IPC, Police Station Aonla, District Bareilly, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the present case. It is not a case under Section 489B IPC but it is a case under Section 489C IPC. Only eight counterfeit notes of Rs.100/- is alleged to have been recovered from possession of the applicant. There is no independent witness of the alleged recovery of the said counterfeit notes. There is no previous criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 02.07.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. The prayer for bail has been vehemently opposed by learned AGA and it has been contended that the present applicant had obtained counterfeit notes from Delhi. He has also provide some counterfeit notes to co-accused Hasnain and eight notes were found from his possession. Hence, it is a case under Section 489B IPC.

5. Considering the fact, circumstances and the submissions made and that so far as the statement of the co-accused Hasnain is concerned, it is a hearsay and that the applicant has no previous criminal history, this Court is of the view that the applicant has made out a case for grant of bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Kadir**, 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.

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

Shahroz