

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42251 of 2023

Applicant :- Mohd. Hasan

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Waseem

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard 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.10 of 2023, under Sections 328, 379, 411 IPC, Police Station GRP Bareilly City, District Bareilly, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. He was neither named in the FIR nor was he properly identified in accordance with law after his was arrested. He further contends that no one would hide such valuable things in open place under the earth, as alleged by the prosecution, which can be easily taken away by any one by removing the soil even by hands. It is also contended that the alleged articles are neither verified that these are made of silver or gold nor the same have been identified in accordance with law. There is criminal history of six cases against the applicant in which he has been enlarged on bail. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 07.08.2023. 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. However, he could not dispute the aforesaid submissions advanced by the counsel for the applicant.

5. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, 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 - **Mohd. Hasan**, 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 :- 6.11.2023

Shahroz