

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42759 of 2023

Applicant :- Irshad

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The FIR in question was lodged against unknown person. Subsequently, on the basis of an other FIR lodged against the applicant being FIR No.0048 of 2023, the applicant was linked with the alleged offence initiated through FIR No.101 of 2022.
3. Learned counsel for the applicant argues that *prima-facie*, there is no material to link the applicant with the offence in question. As regards the criminal antecedent, supplementary affidavit has been filed stating that out of the cases of criminal history only two cases are prior to the offence in question in which the applicant has been enlarged on bail.
4. Learned AGA has opposed the bail application.
5. Considering the fact fact that *prima-facie* material to correlate the applicant with the offence alleged in FIR No.101 of 2022 is missing and the applicant is in custody since 08.03.2023, the applicant is entitled to be enlarged on bail. In view thereof, the application is **allowed**.
6. Let the applicant **Irshad** be released on bail in FIR No.101 of 2022, under Section 380, 411 IPC, P.S. Sadar Bazar, District Saharanpur on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:
 - (a) The applicant shall execute a bond to undertake to attend the hearings;
 - (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 30.10.2023

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