

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45026 of 2023

Applicant :- Mahin Alam

Opposite Party :- State of U.P.

Counsel for Applicant :- Manoj Kumar Srivastava,Rajesh Kumar

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. (F.I.R 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.

3. Learned counsel for the applicant has argued that the applicant is innocent. The applicant was neither driver nor owner of the alleged vehicle. It is further submitted that one packet containing 80 fake counterfeit currency bearing of Rs.100/- as well as a Vivo mobile phone was recovered from from the possession of the applicant, but the Police has not followed the procedure of the alleged recovery. The applicant was neither indulged in the alleged activities nor the alleged recovery was made from his possession. Learned counsel for the applicant has further contended that the applicant has no criminal antecedent to his credit. There is allegation only to keep the counterfeit notes in pocket of the applicant. 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 the father of the applicant Kumar Alam. 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. Learned counsel for the applicant has lastly contended that today co-accused ***Zeeshan Ali***, who has been assigned similar role to that of the present accused-applicant, has already been released on bail by this Court ***vide Criminal***

Misc. Bail Application No. 39943 of 2023. The applicant claims parity. 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.

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

5. 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.

6. Let the applicant - **Mahin Alam**, 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 :- 2.11.2023

Vinod.