

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45014 of 2023

Applicant :- Amaan @ Landi

Opposite Party :- State of U.P.

Counsel for Applicant :- Amar Jeet Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed today is taken on record. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 125 of 2023 under Sections 380, 411, 457 I.P.C., Police Station- Dehli Gate, District- Meerut, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicant is neither named in the F.I.R. nor arrested from the spot. Rs. 74550/- has been shown to be recovered from the possession of the applicant which is alleged to be part of the theft money of the instant F.I.R., however, there is no independent witness of the same. It is next contended that the co-accused Aman @ Sameer @ Chimpi and Shuyeb @ Chini, having identical role, have been granted bail by this court in Criminal Misc. Bail Application Nos. 43271 of 2023 and 41932 of 2023 vide orders dated 31.10.2023 and 16.10.2023. The applicant claims parity. The criminal history of the applicant has been explained in para 6 of the affidavit and in para 3 of the supplementary affidavit.. The applicant is in jail since 4.7.2023, 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 above and the fact that the applicant has remained confined for almost two months, and the co-accused have been enlarged on bail, more so when no reasonable apprehension has been brought to the fore by the State

that the applicant, if enlarged on bail, would either temper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Amaan @ Landi**, involved in aforesaid case 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 :- 2.12.2023

S.Verma