

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44480 of 2023

Applicant :- Mohammad Amir

Opposite Party :- State of U.P.

Counsel for Applicant :- Vinod Kr Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Counter and Rejoinder affidavits filed today in Court are taken on record.

2. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.

3. The FIR in question was lodged by the informant alleging that one Suryansh Sooyag had fraudulently cheated the informant of his valuable security to the tune of Rs.5,91,000/- in the garb of getting a job in Russia and for preparation of visa which turned out to be false. Subsequently, based upon the investigation, one Pawan Kumar Yadav was arrested, in whose account, substantial amount of money was recovered. The said Pawan Kumar Yadav in his statement stated that Suryansh Sooyag, who is actually Mohd. Aamir, had cheated and the said Pawan Kumar Yadav get an amount of Rs.50,000/- from every person.

4. The Counsel for the applicant argues that apart from the statement of co-accused nothing has been recovered from the applicant nor has any identification parade being carried out so as to link or verify the statement of the Pawan Kumar Yadav.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the material based upon which the applicant has been apprehended, which is only the statement of co-accused, and the fact that there is no recovery from the applicant and without there being any identification parade, *prima facie*, no offence is made out coupled with the fact that the applicant has no criminal antecedents and is in custody since 06.07.2023, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is ***allowed***.

6. Let the applicant ***Mohammad Amir*** be released on bail in FIR/ Case Crime No.138 of 2021, under Sections 406, 419, 420, 467, 468, 471, 120B IPC, Police Station Madanpur, District Deoria on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the 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 :- 21.11.2023

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