

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45521 of 2023

Applicant :- Gulfam @ Satish And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashwini Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicants who has filed supplementary affidavit which is taken on record, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicants on bail in Case Crime No.302 of 2022, under Sections 392, 411 IPC, Police Station Charthawal, District Muzaffarnagar, during the pendency of trial.

3. Learned counsel for the applicants has argued that the applicants have been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize them. They are neither named in the FIR nor were they arrested on the spot. It is further argued that for the alleged looted articles no proper identification has been conducted by the police. It is also contended that there is criminal history of 13 cases against applicant no.1 and applicant no.2 has also criminal history of 9 cases against applicant no.2 in which they have been enlarged on bail which has been explained in paragraph-2 of the supplementary affidavit. There is no likelihood of their abscondence or tampering with the evidence. The applicants are in jail since 13.10.2022. In case the applicants are enlarged on bail, they will not misuse the said liberty.

4. Learned AGA has vehemently opposed the bail application but could not dispute the submissions advanced on behalf of the counsel for the applicants.

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 applicants are entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicants - **Gulfam @ Satish** and **Vikas @ Atariya**,

involved in the aforesaid case crime be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that they:

(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 :- 23.11.2023

Shahroz