

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45624 of 2023

Applicant :- Tanvir Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Jawad Tariq, Umesh Prasad Singh

Counsel for Opposite Party :- G.A., Rajesh Kumar

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Umesh Prasad Singh, learned counsel for the applicant; learned AGA for the State and perused the record. None present for the informant even in the revised call.

2. By means of this bail application, applicant seeks bail in Case Crime No.0278 of 2022, under Sections 420, 467, 468 & 471 IPC, Police Station Rasoolpur, District Firozabad, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. No offence under the aforesaid sections is made out against the applicant as the applicant was marginal witness of the alleged sale deed executed in the year 2011. It is further contended that it is a case of purely civil in nature for which no FIR, after a long gap of eleven years, may be lodged. It is further contended that similarly placed co-accused person, Raja @ Ilhak has already been enlarged on bail by a coordinate Bench of this Court vide order dated 04.10.2023 in Criminal Misc. Bail Application No.37113 of 2023. The applicant is languishing in jail since 17.09.2023. It is further contended that there is three cases of criminal history of the applicant which has been explained in paragraph-41 of the affidavit filed in support of the bail application in which he has been granted bail. There is no likelihood of his abscondence or tampering with the evidence. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

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 - **Tanvir Ali**, 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 :- 16.11.2023

I.A.Siddiqui