

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45793 of 2023

Applicant :- Ashraf

Opposite Party :- State of U.P.

Counsel for Applicant :- Deepak Kumar Pal

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and Sri Asfaq Ahmad Ansari, learned Counsel appearing for the complainant and perused the record.

2. The FIR in question was lodged alleging that in the year 2016, the applicant was enticed the informant to part away valuable security of Rs.6/- lac for getting a job. It is also alleged that the forged appointment letter was also used by the accused and given to the informant.

3. The Counsel for the applicant argues that FIR in question has been lodged after seven years. There is no suit for recovery filed against the applicant for the alleged repayment of the amount.

4. Learned A.G.A. vehemently opposed the bail prayer. The Counsel for the complainant strongly opposed the bail prayer that a forged appointment letter was given. He further argues that as a condition of bail, the applicant should be asked to deposit 50% of the amount so that the loss suffered by the informant can be rectified.

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

5. Considering the submissions made at the bar, prima facie, the FIR has been lodged after seven years without there being any plausible explanation for delay, there is no civil litigation in between the parties for recovery of the money allegedly given by the informant, it is well settled that the criminal proceedings cannot be used for recovering an amount, there is no provision in Cr.P.C. for getting the half of the amount deposited as a condition for bail and without expressing any opinion on merit, I am of the view that the applicant is entitled to be released on bail.

6. Accordingly, the bail application is ***allowed***.

7. Let the applicant ***Ashraf*** be released on bail in FIR/ Case Crime No.175 of 2023, under Sections 420, 406, 467, 468, 471, 504 IPC, Police Station Fatehganj West, District Bareilly 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 :- 31.10.2023

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