

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45955 of 2023

Applicant :- Salman Alias Shivam

Opposite Party :- State of U.P.

Counsel for Applicant :- Jitendra Kumar Mishra, Praveen Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The FIR in question was lodged alleging therein that three persons riding on motorcycle has snatched a mobile phone and money from the son of informant. It was also alleged that applicant and one other person were apprehended by Rinku Katiyar but two other co-accused succeeded to ran away from the spot.
3. It is argued that the applicant is absolutely innocent and has been falsely implicated in the present case due to some ulterior motive. No incriminating article or material has been recovered either from the applicant or on his pointing out. The recovery which is said to have been made from the applicant is false one as there is no independent witness of the alleged recovery. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 30.8.2023.
4. Learned AGA has opposed the bail application.
5. Considering the fact that the recovery was not made in the presence of any independent witness, the applicant is in jail since 30.8.2023, having no criminal history, is entitled to be enlarged on bai. In view thereof, the application is allowed.
6. Let the applicant **Salman Alias Shivam** be released on bail in FIR No. 194 of 2023, under sections 394 and 411 I.P.C., P.S. Kadrigate, district-Farrukhabad, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of 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 :- 7.11.2023

Faridul