

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48098 of 2023

Applicant :- Chand Mohammad

Opposite Party :- State of U.P.

Counsel for Applicant :- Kamlesh Kumar Tiwari

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 perused the record.

2. In terms of the FIR, it was alleged that on the basis of a search carried out, two notes of two hundred, which were allegedly counterfeit, was allegedly recovered from the applicant.

3. The contention of the Counsel for the applicant is that there were no independent witness and is in custody since 23.08.2023.

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

5. Considering the fact that the material leading to recovery including the statement of independent witness is *prima facie* missing and the applicant has no criminal history, 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 **Chand Mohammad** be released on bail in FIR/ Case Crime No.524 of 2023, under Sections 489A, 489B, 489C, 489D, 34 IPC, Police Station Gagaha, District Gorakhpur 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 :- 8.11.2023

akverma