

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46629 of 2023

Applicant :- Noor Hasan @ Kalwa

Opposite Party :- State of U.P.

Counsel for Applicant :- Abhishek Chauhan, Dubey Amit Kumar
Devendra Nath

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. The FIR in question was lodged alleging that the informant had agreed to purchase the property along with the co-accused, for which, the informant had allegedly given certain amounts as disclosed in the FIR to the co-accused Aaqil and he was refusing to return the money. In sum and substance, the averments of the FIR are that despite taking the money, the possession of the land was not taken.
3. The Counsel for the applicant argues that even in terms of the FIR, no amount of money was given to the applicant, who is nephew of the main accused to whom the money was handed over. It is argued that except for saying that the applicant was also present along with the main accused, no allegations have been levelled against the applicant.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. On perusal of the averments made in the FIR, *prima facie*, no amount was given to the applicant, even in terms of the FIR, he has been roped in being the nephew of the main accused, the applicant does not have any criminal antecedents except for a similar FIR lodged in Case Crime No.374 of 2023, in which the applicant has already been enlarged on bail, 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 ***Noor Hasan @ Kalwa*** be released on bail in

FIR/ Case Crime No.375 of 2023, under Sections 420, 120B, 406, 467, 468 IPC, Police Station Massorie, District Ghaziabad 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 :- 2.11.2023
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