

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46555 of 2023

Applicant :- Gulfam

Opposite Party :- State of U.P.

Counsel for Applicant :- Bharat Garg

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 accused-applicant seeks bail in Case Crime No.491 of 2023 under sections 454, 380, 411 IPC, P.S. Civil Lines, District Moradabad.

3. The FIR in question was lodged against unknown persons. Subsequently, based upon the recovery of some yellow metal, the applicant was implicated with the offence in question.

4. It is argued that the recovery is not in the presence of any independent witnesses. Apart from the said fact, the criminal antecedents of the applicant have been duly disclosed in para 14 wherein all the cases have been lodged simultaneously against the applicant. The applicant has produced a copy of the bail orders in some of the cases in which he is on bail.

5. Considering the fact that the applicant was not named in the FIR and the recovery was not in the presence of any independent witness, the applicant is entitled for the bail. Thus the bail application is allowed.

6. Let the applicant **Gulfam** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount 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 :- 9.11.2023

VNP/-