

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46705 of 2023

Applicant :- Gulfam

Opposite Party :- State of U.P.

Counsel for Applicant :- Bharat Garg

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Bharat Garg, learned counsel for the applicant, learned A.G.A. for the State and perused the records.
2. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 479 of 2023, under Sections 380, 411 & 454, I.P.C, Police Station- Civil Lines, District- Moradabad, during pendency of the trial.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case due to mala-fide intention. The learned counsel for the applicant has shown criminal history of the applicant in para 14 of the affidavit. Learned counsel for the applicant admitted that there are 12 cases of criminal history against the applicant, out of which the applicant is on bail in five cases and the applicant shall move bail application in rest of seven cases. So far as this case is concerned, it is triable by the Court of Magistrate. The applicant is not named in F.I.R. Some case property is said to have recovered from the possession of the application, but the same have not been identified in due course of law, the accused has already been enlarged on bail. He is in jail since 10.06.2023, in case he is enlarged on bail, he will not misuse the said liberty.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.
6. Let the applicant, **Gulfam**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties

each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 6.12.2023

Vinod.