

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47594 of 2023

Applicant :- Mohd. Saeed

Opposite Party :- State of U.P.

Counsel for Applicant :- Brij Bhushan Upadhyay

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. In terms of the FIR, it was indicated that on the basis of information received that the applicant was engaged in getting the student passed by impersonation in examination, a search was carried out and certain articles were recovered from the applicant. Based upon the said recovery, the applicant has been implicated with the offence in question. The FIR itself records that there are no independent witnesses to the recovery and the applicant has no criminal antecedent.

3. Learned AGA has opposed the bail application.

4. Considering the fact that there is no allegation of applicant actually committing the offence, the recovery is contrary to the mandate of Section 100 Cr.P.C., and the applicant has no criminal antecedent, the applicant is entitled to be enlarged on bail. In view thereof, the application is **allowed**.

5. Let the applicant **Mohd. Saeed** be released on bail in FIR No.501 of 2023, under Section 419, 420, 467, 468, 471, 34 IPC, P.S. Dhoomanganj, District Prayagraj 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

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