

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47769 of 2023

Applicant :- Anil

Opposite Party :- State of U.P.

Counsel for Applicant :- Shyam Shanker Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.220 of 2022, under Sections 380, 457, 411 IPC, Police Station Mirapur, District Muzaffar Nagar, during the pendency of trial.

3. Counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submitted that the applicant is not named in the FIR; his name has come into picture during the investigation after eight months from the date of incident. It is also contended that in respect of recovery of the alleged articles made of yellow and white metal, no proper identification has been conducted by the police. It is further contended that since the co-accused, Veer Vikram Bahadur Singh has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 16.11.2023 passed in Criminal Misc. Bail Application No.45424 of 2023, the applicant is also entitled to be enlarged on bail as his case is on the better footing to that of the aforesaid co-accused. There is criminal history of nine cases against the applicant in which he has been enlarged on bail which has been explained in paragraph-3 of the supplementary affidavit. There is no likelihood of his abscondence or tampering with the evidence. The applicant in jail since 23.05.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant.

5. Having regard to the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant is entitled to be

enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Anil**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses;

(iv) shall appear before the SHO, Police Station Kotwali, District Bareilly on any day of the first week of every month to show or establish his *bona fide* until further order of the trial court.

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

8. A copy of this order be sent to the SHO, Police Station Kotwali, District Bareilly for necessary compliance.

Order Date :- 21.11.2023

Shahroz