

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48031 of 2023

Applicant :- Bablu

Opposite Party :- State of U.P.

Counsel for Applicant :- Raghuraj Singh

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.579 of 2023, under Sections 395, 412, 34 IPC, Police Station Khair, District Aligarh, during the pendency of trial.
3. As per prosecution story, the FIR was instituted against unknown persons travelling on a motorcycle no. UP 79 W 9823.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. He has further stated that the applicant was arrested alongwith four other persons on the information of a squealer, and in all, three cases have been foisted on him including the present one. It is further contended that the co-accused Atul has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 31.10.2023 passed in Criminal Misc. Bail Application No.46001 of 2023. He further contends that there is no criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. He is in jail since 06.08.2023 and in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having regard to the facts, circumstances and the submissions made but without commenting on 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.

7. Let the applicant - **Bablu**, 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.

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 :- 8.11.2023

Imtiyaz