

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48178 of 2023

Applicant :- Arif

Opposite Party :- State of U.P.

Counsel for Applicant :- Prem Chandra Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Prem Chandra Dwivedi, learned counsel for the applicant, learned AGA for the State and perused the record.
2. By means of this bail application applicant seeks bail in Case Crime No.200 of 2023, under Sections 394, 411, 120B IPC, Police Station Etmadpur, District Agra, during the pendency of trial.
3. It is submitted by learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the present case. It is also contended that the applicant is not named in the FIR; he was not arrested on the spot; his name has come into picture in his confessional statement and also in the confessional statement of the co-accused. It is further contended that nothing incriminating material has been recovered from possession of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 09.07.2023. In case the applicant is released on bail, he will not misuse the said liberty.
4. The prayer for bail has been vehemently opposed by learned AGA. However, the aforesaid factual aspects could not be disputed.
5. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a case for bail. Accordingly, the bail application is allowed.
6. Let the applicant - **Arif**, involved in the aforesaid case crime 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.

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.

Order Date :- 29.11.2023

Shahroz