

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48343 of 2023

Applicant :- Mumtaj Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Pawan Giri

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. The accused-applicant seeks bail in Case Crime No.293 of 2023 under sections 323, 504, 506, 342, 386, 34 IPC, P.S. Lanka, District Varanasi.

3. The FIR in question was lodged alleging that three persons named in the FIR and one unknown persons were harassing the informant and threatening to make the video viral and to implicate him in a false case under section 376 IPC for which the informant had part away with rupees four lacks sixty thousand cash and a cheque of an amount of Rs.10,40,000/- in favour of Virendra Yadav named in the FIR. Subsequently, the name of applicant surfaced in the statement of the one of the witness wherein he has stated that the applicant had enticed her to part away with two sim cards on the allegation that he would get a job to her. Later on, the said sim cards were used in the mobile, which was allegedly used in creating a video.

4. In the light of the said, the submissions of the counsel for the applicant is that there are no allegations against the applicant of causing the offence as alleged in the FIR, the only allegations are for taking two sim cards. He further argues that there are no allegation that the applicant used the sim cards for committing any offence in question. The applicant has no criminal history and is a retired person of army.

5. Considering the fact that the allegations against the applicant are not for causing any offence as narrated in the FIR and the only allegations are for providing two sim cards which in itself is not enough to link the applicant with the offence in question coupled with the fact that the applicant has no criminal history and there is

nothing on record to demonstrate that the applicant if enlarged on bail can adversely affect the trial, the applicant is entitled for the bail. Thus the bail application is allowed.

6. Let the applicant **Mumtaj Ali** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount to the satisfaction of the 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 :- 9.11.2023

VNP/-