

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49277 of 2023

Applicant :- Aamir

Opposite Party :- State of U.P.

Counsel for Applicant :- Alok Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
3. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.313 of 2023, under Sections 307, 420, 482 IPC and Sections 3/25/27 Arms Act, Police Station Simbhawali, District Hapur, during the pendency of trial.
4. It is argued by the learned counsel for the applicant that the applicant is innocent. It is further contended that nothing incriminating material has been recovered from the applicant which goes against him. There is no independent witness for the alleged recovery of cartridge which has been falsely planted upon the applicant. There is no injury to the informant side. There is criminal history of seven cases against the applicant which has been explained in paragraph-24 of the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 04.10.2023. In case the applicant is released 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 - **Aamir**, 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.

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 :- 28.11.2023

Shahroz