

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50733 of 2023

Applicant :- Mukarram

Opposite Party :- State of U.P.

Counsel for Applicant :- Saurabh Tripathi, Sohith Prakash Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard learned Counsel for the applicant, Sri N.K Sharma, learned A.G.A. for the State and perused the record.
2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 198 of 2023, under Sections 342, 395, 420 I.P.C., Police Station- Trans Yamuna, District- Agra during pendency of the trial.
3. Counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the instant case. The name of the applicant was disclosed by co-accused Firoj, Saddam, Sahroj and Farman in police custody. The said statements, insofar as it implicate the applicant, is unreliable. The alleged truck was not recovered from the possession of the applicant. It is next contended that the co-accused Sahroj, Saddam Hussain and Firoz have been granted bail by this Court vide orders dated 25.8.2023, 14.9.2023 and 30.10.2023 passed in Criminal Misc. Bail Application Nos. 33679 of 2023, 36263 of 2023 and 36271 of 2023. The applicant does not have any criminal history. The applicant is in jail since 1.11.2023. In case he is enlarged on bail, he will not misuse the said liberty.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report. The name of the applicant was disclosed by co-accused Firoj, Saddam, Sahroj and Farman in police custody. The co-accused Sahroj, Saddam Hussain and Firoz have been granted bail by this Court. The applicant has no criminal antecedents. Further the applicant has presently remained confined for more than one month and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on

bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

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

- i. the applicant shall not tamper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by 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.

Order Date :- 11.12.2023
S.S.