

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51248 of 2023

Applicant :- Shaban

Opposite Party :- State of U.P.

Counsel for Applicant :- Himanshu Giri

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Himanshu Giri, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.93 of 2023, under Sections 420, 489-A, 489-C, 489-d, 120-B, 212 I.P.C., Police Station Bhawaniganj, District Siddharth Nagar, during the pendency of trial.
4. As per prosecution case, 132 notes of fake currency are stated to have been recovered from the applicant of 500 denomination.
5. Learned counsel for the applicant has argued that he has been falsely implicated in the present case. It is transcribed on the bank notes as Bharitya Monoranjan Bank. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. It is further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 7.9.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Learned A.G.A. has vehemently opposed the bail application.
7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.
8. Let the applicant- **Shaban**, who is involved in aforementioned 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 following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with evidence.

(ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 30.11.2023

Vikas

[Krishan Pahal, J.]