

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2161 of 2023

Applicant :- Mustkeem Khan @ Monu Gurda

Opposite Party :- State Of U.P. Thru. Secy. Home Lko.

Counsel for Applicant :- Pravin Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Pravin Singh, learned counsel for the applicant, Sri Manish Kumar Pandey, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.486 of 2022, under Sections 392, 411, 420, 467, 468, 471 I.P.C., registered at Police Station Gurubuxganj, District Raebareli.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 19.08.2022 alleging commission of robbery of some articles of jewellery and Rs.80,000/- cash committed by two motorcycle borne unknown miscreants. The police claimed to have arrested three persons, including the applicant, on the basis of information received from a mukhbir on 3.11.2022 and to have recovered some articles of jewellery and Rs.4,400/- cash from the applicant's possession. On the basis of custodial statement the accused persons, the applicant has been implicated in the present case. One Rohit Kumar on the basis of whose statement the applicant has been implicated in the present case, has been granted bail by this Court by means of the order dated 29.05.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.5483 of 2023.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case. Applicant's involvement in five other cases in which he

has been implicated after his arrest, has been disclosed in the affidavit and the supplementary affidavit, in all of which he has been granted bail.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident is said to have been given effect to by two unknown persons; the applicant has not been identified by the informant and the other co-accused persons has already been granted bail, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

7. Accordingly, this bail application stands **allowed**.

8. Let the **applicant**-Mustkeem Khan @ Monu Gurda be released on bail in aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 16.11.2023
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