

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3842 of 2023

Applicant :- Mohd. Hamza Ansari

Opposite Party :- Union Of India Thru. Cbi Special Crime Branch (Scb), Lko.

Counsel for Applicant :- Abhishek Srivastava, Mohemmed Amir Naqvi

Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Abhishek Srivastava, learned counsel for the applicant, Sri Dharmendra Pratap Singh holding brief of Sri Anurag Kumar Singh, learned counsel for the respondent-CBI and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Sessions Case No.1348 of 2022, R.C. No. 4(S)/19, under Sections 120-B, 147, 149, 329, 364-A, 386, 394, 411, 420, 467, 468, 471, 506 IPC, Police Station CBI/SCB, District Lucknow.

3. The aforesaid case has been registered on the basis of an FIR lodged on 28.12.2018 against six named persons, not including the applicant, and 10-12 unknown persons, alleging that one of the named accused persons, who was detained in jail, was extracting money from the informant through his henchman. The FIR alleged that he was forcibly taken inside the jail, beaten up and was made to sign some papers and by misusing those papers, his company was grabbed by some accused persons.

4. The applicant was not named either in the FIR or in the charge sheet or in two supplementary charge sheets. It was only in the fourth supplementary charge sheet submitted on 25.11.2021 that the applicant's name was included on the basis of statement of one Mohd. Ishan, who stated that he had obtained a sim of mobile phone from Mohd. Amir Qureshi, who used to work on the applicant's shop and by misusing his thumb impression, Mohd. Amir Qureshi got five sim cards issued in his name whereas he had applied for and was handed over only one sim card. The said Mohd. Ishan has not been made an accused in the case. It is alleged that the sim cards issued by the applicant were misused by named accused persons.

5. In the affidavit filed in support of the application, it has been stated that the applicant is innocent and has has been falsely implicated in the present case. In para 17 of the affidavit filed in support of the bail application the applicant's involvement in seven other cases has been explained, in all of which he has been granted bail.

6. The learned counsel for the applicant has submitted that the applicant has no connection, whatsoever, with the accused persons, who have committed the offence. Learned counsel for the applicant has submitted that five co-accused persons have already been granted bail in the present case. It has also been submitted on behalf of the applicant that the co-accused Mohd. Amir Qureshi, who had provided the sim cards has also been granted bail by this court by means of an order dated 11.08.2023, passed in Criminal Misc. Bail Application No.7618 of 2022.

7. The learned counsel for the respondent has stated that the bail application of five co-accused persons have been rejected but the role of all the co-accused persons whose bail application has been rejected, as also who have been granted bail were different from the allegations levelled against the applicant.

8. Learned counsel for the applicant has stated that the trial is yet to commence.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not named in the FIR and his name surfaced after filing of the two supplementary charge sheets; that the applicant has been implicated for the sole reason that some sim cards were issued from an employee working in his shop and that employee has already been granted bail by this court, whereas the applicant is languishing in jail since 22.06.2022 and the trial is yet to commence, I am of the view that the applicant is entitled to be released on bail in the aforesaid case.

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

11. Let the **applicant-Mohd. Hamza Ansari** be released on bail in Sessions Case No.1348 of 2022, R.C. No. 4(S)/19, under Sections 120-B, 147, 149, 329, 364-A, 386, 394, 411, 420, 467, 468, 471, 506 IPC, Police Station CBI/SCB, District Lucknow 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.

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(Subhash Vidyarthi, J.)

Order Date :- 10.10.2023
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