

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4387 of 2023

Applicant :- Mohd. Shabbir Barkatullah Idrisi @ Mohd. Shabbir Warkatullah Idrisi

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

Counsel for Applicant :- Nijam Ahamad

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Nijam Ahamad, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 225 of 2022, under Section 406, 420, 411 I.P.C., registered at Police Station Hanswar, District Ambedkar Nagar.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 17.12.2022 against the applicant and an unknown person alleging that the applicant had offered to get the informant sent to some foreign country for earning Rs. 40,000/- per month salary. The informant and 11 other persons through him gave money to the applicant and they were taken to Chandigarh for their medical examination and execution of an agreement and it was stated that very soon they would be provided visa and tickets but nothing was provided to them.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
5. The learned counsel for the applicant has submitted that although the F.I.R mentions that 11 friends of the informant had paid money to informant, it mentions names of merely of 8 such persons. The F.I.R allegations are vague as it mentions that person had paid Rs.50,000/-, Rs.60,000/- and Rs.70,000/- to the informant neither any date of payment is mentioned in the F.I.R nor is the mode

of payment has mentioned therein.

6. The applicant is languishing in jail since 18.12.2023 and the learned counsel for the applicant has submitted that not even a single witness is examined till date.

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

8. Having considered the aforesaid facts and circumstances of the case and without making any observations which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

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

10. Let the applicant- **Mohd. Shabbir Barkatullah Idrisi @ Mohd. Shabbir Warkatullah Idrisi** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the 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 :- 30.11.2023

Preeti.