

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8690 of 2022

Applicant :- Ateeq

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

Counsel for Applicant :- Rehan Ahmad Siddiqui

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rehan Ahmad Siddiqui, the learned counsel for the applicant as well as Sri Manish Kumar Pandey, the learned A.G.A.-I 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. 242 of 2019, under Section 392, 120-B I.P.C., registered at Police Station Kotwali Nagar, District Pratapgarh.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 16.03.2019 alleging commission of a bank robbery.
4. The applicant has been implicated on the basis of statement of a co-accused Ansar, who stated that he had done reiki for commission of offence and the incident was given effect to by Taukeer, Ateek (the applicant) and another accomplice of Ateek. Another co-accused Zaid stated that the offence was committed by the applicant, Mukthar and Ansar.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case.
6. The applicant's involvement in 10 other cases has been disclosed in para 14 of the affidavit and his involvement in 6 more cases has been disclosed in the supplementary affidavit filed in support of the bail application.
7. The learned counsel for the applicant has submitted that co-accused Zaid, on the basis of whose statement, the applicant has been implicated in the present case, has already been granted bail by means of an order dated 09.08.2019 passed by the Session Judge, Pratapgarh. Another co-accused Ansar @ Ansal

Ali, who is said to be involved in commission of the offence with the applicant has also been granted bail by means of an order dated 17.01.2020 passed by a coordinate bench of this Court in Criminal Misc. Bail Application No.536 of 2020. He also submitted that the applicant is languishing in jail since 17.06.2019 and the trial is yet to commence.

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

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that a similar situate co-accused persons and another co-accused have been granted bail, I am of the view that the applicant is also entitled to be released on bail.

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

11. Let the **applicant- Ateeq** 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 :- 21.11.2023

Preeti.