

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8543 of 2023

Applicant :- Rustam

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

Counsel for Applicant :- Atul Verma, Vinod Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Atul Verma, 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.65 of 2022, under Sections 386, 506, 120B I.P.C., registered at Police Station Thakurganj, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.02.2022 against holders of two mobile phones and two unknown persons stating that the informant received a whats app from a number which was being displayed in the name of Tihar Saleem on Truecaller app. The caller introduced himself to be Rustam and he pretended that one Tauhid would meet the informant and the informant would help him in getting possession of a plot of land.
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.
5. Applicants' criminal history of 22 cases has been disclosed in the affidavit; in 9 of which he stands acquitted; in 8 cases he has been granted bail; two cases have been wrongly mentioned and he is not involved in those cases and in one case under U.P. Control of Goondas Act, a notice under Section 110G Cr.P.C. stands closed upon expiry of the stipulated period.

6. Learned counsel for the applicant has submitted that even as per the allegations leveled in the FIR no extortion could be given effect to and it would be at the most to be a case of an attempt made for extortion.

7. 5 co-accused persons have been granted bail, copies of their bail orders have been placed on record as Annexure Nos.5 to 8 to the affidavit filed in support of the bail application.

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

9. Having considered the aforesaid facts and circumstances of the case and without making any observation, 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 in the aforesaid crime on the ground of parity.

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

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