

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9990 of 2023

Applicant :- Aleem

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

Counsel for Applicant :- Nripendra Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Nripendra Mishra, the learned counsel for the applicant, Sri Akhilesh Kumar Vyas, the learned AGA for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 128 of 2023, under sections 489-A, 489-B, 489-C and 489-D of IPC, Police Station Rupaideeha, District Bahraich.
3. The aforesaid case has been registered on the basis of an FIR lodged on 11.05.2023 against five persons, including the applicant, alleging that on the basis of information received from a mukhbir, a car was intercepted in which all the accused persons were sitting. Some fake currency notes were recovered from each of the apprehended persons and it is stated in the FIR that 05 fake Nepalese currency notes of denomination of Rs. 1000/- each carrying identical serial number, were recovered from the applicant. It is stated in the FIR that no independent person witnessed the recovery.
4. In the affidavit filed in support of the application, it has been stated that the applicant is innocent and 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 the co-accused Kuldeep Awasthi and Faijul Hasan @ Saidul , have already been enlarged on bail by this court by means of orders dated 24.08.2023 and 27.09.2023, passed in Criminal Misc. Bail Applications No.10231 of 2023 and 11538 of 2023, respectively.
6. The learned A.G.A. has opposed the prayer for bail but he could not dispute

the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that besides the averments made in the recovery memo, there is no other material against the applicant and the alleged recovery has not been witnessed by any independent person; that no other incriminating material has been recovered on the pointing out of the applicant except the material recovered at the time of his arrest; that the applicant has no criminal history and he is languishing in jail since 11.05.2023, whereas two co-accused have been granted bail by this court, I am of the view that the applicant is entitled to be released on bail in the aforesaid crime.

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

9. Let the applicant- **Aleem** 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 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 :- 22.11.2023

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