

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10407 of 2023

Applicant :- Salim @ Farookh

Opposite Party :- State Of Up Through Prin. Secy. Home
Lucknow

Counsel for Applicant :- Ashok Kumar, Arun Kumar, Chandra
Prakash, Farakshan Khatoon

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Supplementary affidavit filed on behalf of the applicant is taken on record.

Heard learned Counsel for the applicant, learned A.G.A. and perused the record.

The accused- applicant is involved in Case Crime No. 322 of 2022, under Sections 41, 411, 413, 414, 419, 420, 467, 468, 471, 484, 120-B I.P.C., Police Station Vibhuti Khand, District-Lucknow.

It is argued by the learned counsel for the applicant that the applicant is not named as an accused in the nomenclature of the FIR, rather his name is mentioned in the body of the FIR as a person to whom the apprehended accused persons are said to have handed over the stolen vehicles for selling the same. The applicant has neither been apprehended on the spot nor there is recovery at his stance. The criminal history of five cases to the credit of the applicant has been well explained in the supplementary affidavit filed today. The applicant is languishing in jail since 11.5.2023. Hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail of the applicant.

From the perusal of the FIR, it is clear that neither the applicant was apprehended on the spot nor there is any recovery at his stance. The allegation in the FIR is that after theft the apprehended accused persons used to hand over the stolen vehicles to the present applicant and five other persons named in the FIR. There is nothing on record that how many vehicles and what vehicles were transferred / handed over to the present applicant. Admittedly, the applicant has not been apprehended

on the spot and no recovery has been made at his instance. The criminal history of the applicant has been explained by the learned counsel for the applicant by filing a supplementary affidavit today. The applicant is languishing in jail since 11.5.2023.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a case of bail.

The bail application is allowed.

Let the applicant Salim @ Farookh who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 30.11.2023

Gss