

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13012 of 2022

Applicant :- Mahesh Pasi

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

Counsel for Applicant :- Suyesh Pradhan

Counsel for Opposite Party :- G.A.

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

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

The accused- applicant is involved in Case Crime No.320 of 2022, under Section 5/25 of Arms Act, Police Station Kotwali Dehat, District- Sitapur.

It is submitted by the learned counsel for the applicant that the incident is false. Though the applicant is said to have been apprehended by the police on 26.8.2022 but actually he was picked by the police on 23.8.2022 from the District Court where he had gone to attend his case. Nothing has been recovered from the possession of the applicant. The offence is triable by the court of Magistrate. In the trial court only charge has been framed and not even a single statement of any witness has been recorded. Criminal history of 7 cases has been explained in the affidavit and in all 7 cases, the applicant has been granted bail. The applicant is languishing in jail since 26.8.2022, hence, the prayer is made accordingly.

Learned A.G.A. opposed the prayer for the bail of the applicant and submitted that it was the applicant who was running a factory of manufacturing illegal weapons. One country made pistol and one live cartridge have been recovered by the police from the applicant. Apart from the instruments used in manufacturing illegal weapons, from the floor/spot, 7 illegal pistols and one empty cartridge have also been recovered by the police. There is criminal history of 7 cases to the credit of the applicant.

From the perusal of the record, it is found that on 26.8.2022, the applicant is shown to be apprehended running a factory of manufacturing illegal weapons. One country made pistol and

one live cartridge are said to have been recovered from the applicant and 7 illegal country made pistols, one empty cartridge and the other materials used in manufacturing of weapons are also said to have also been recovered from the spot from where the applicant was arrested. There is no independent witness of the alleged recovery. Criminal history of 7 cases has been explained by filing 7 bail orders of the applicant. The applicant is languishing in jail since 26.8.2022.

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 fit case of bail.

The bail application is allowed.

Let the applicant Mahesh Pasi 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 the 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 :- 12.12.2023

Gss