

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11826 of 2023

Applicant :- Najim

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

Counsel for Applicant :- Surendra Singh, Rajendra Pratap Singh, Vinay Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Rajendra Pratap Singh, learned counsel for the applicant, Sri Jayant Singh Tomar, 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.136 of 2023, under Sections 489A, 489B, 489C, 420, 467, 471 I.P.C., registered at Police Station Bhojpur, District Moradabad.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 06.05.2023 against three persons, including the applicant alleging that on the basis of information received from a mukhbir, police raided a room constructed above the go-down of the applicant. It is alleged that the applicant and co-accused, Nafees Ahmad were found printing huge quantity of fake currency notes. Sixty packets of fake currency notes, a laptop, H.P. Laser printer, a Cannon Scanner, a Lamination Machine, one ream of J.K. Excel Bond Paper, one ream of Fine paper and two role of polythene were recovered from the spot. The FIR mentions that no independent witness has witnessed the recovery.

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. In para 14 of the

affidavit, it has been stated that after his arrested, the applicant has been implicated in another case bearing Case No.327 of 2023 lodged on 16.09.2023 under Sections 420, 467, 468, 471, 504, 506 IPC, Police Station Bhojpur, District Moradabad.

5. Regarding additional criminal history of the applicant pointed out by the learned A.G.A., a supplementary affidavit has been filed explaining that that case has been lodged against some other person and the applicant was not involved in that case.

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 alleged recovery is of a commonly used laptop, printer, scanner and commonly used papers; that recovery has not been witnessed by any independent witness, a co-accused person, Shahnaj @ Shanaj Jahan has been granted anticipatory bail by means of the order dated 19.09.2023 passed in Anticipatory Bail Application No.2022 of 2023; that the applicant has no previous criminal history and he is languishing in jail since 06.05.2023 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.

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

9. Let the **applicant-Najim** be released on bail in Case Crime No.136 of 2023, under Sections 489A, 489B, 489C, 420, 467, 471 I.P.C., registered at Police Station Bhojpur,

District Moradabad 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 :- 10.10.2023
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