

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12175 of 2023

Applicant :- Mohd. Khalil @ Anwar Ali

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

Counsel for Applicant :- Shobh Nath Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Shobh Nath Pandey, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh, the learned A.G.A. for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 296 of 2023, under Section 399, 402 I.P.C., registered at Police Station Inayat Nagar, District Ayodhya.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 05.07.2023 against five persons, including the applicant, alleging that on the basis of information received from a mukhbir, the police apprehended five accused persons, while they were making plans to commit a dacoity. One of them had escaped. Country made pistols were recovered from three persons, including the applicant. However, no independent person has witnessed the recovery.

4. In the affidavit filed in support of the bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's criminal history of one case bearing Case Crime No.306 of 2022, under Sections 147, 427, 506 I.P.C. Police Station Tarun, District Ayodhya has been explained in para 12 of the affidavit filed in support of the bail application, in which till date he has not been summoned. It has also been submitted on behalf of the applicant that the co-accused persons Nitin Tiwari and Amardeep @ Amardeep Kori have already been enlarged on bail by this court by means of orders dated 21.08.2023, passed in Criminal Misc. Bail Application Nos.10410 of 2023 and 10373 of 2023.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been arrested on the allegation that he was involved in making plans for a commission of a dacoity; that only four persons have been arrested and it is alleged that one of the persons had escaped and that there are no independent witnesses of the alleged recovery, coupled with the fact that two of the co-accused persons have already been enlarged on bail by this court and the applicant is languishing in jail since 02.09.2023, without making any observations 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.

7. Accordingly, the application for bail is **allowed**.

8. Let the **applicant- Mohd. Khalid @ Anwar Ali** 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 the 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.

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(Subhash Vidyarthi,J.)

Order Date :- 12.10.2023

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