

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14417 of 2022

Applicant :- Mohd. Jamir Khan @ Sheru

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

Counsel for Applicant :- Syed Ahmad Mehdi, Abhinav Srivastava, Anil Kumar Tiwari, Ganga Prasad Mishra, Rahul Srivastava, Saryu Prasad Tiwari, Vaibhav Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Abhinav Srivastava, the learned counsel for the applicant as well as Sri Anurag Verma, the learned A.G.A.-I 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. 382 of 2022, under Section 406, 420, 467, 468, 471, 506 I.P.C., registered at Police Station Kotwali Nagar, District Ayodhya.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 20.05.2022 alleging that the applicant had taken Rs. 7 lakhs from the informant for getting his son and daughter employed in government hospital. Rs. 1,90,000/- were given through a cheque dated 18.11.2018 and rest of the amount was paid in cash. A joining letter was given on 20.01.2020
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 involvement in four other cases has been disclosed in para 18 of the affidavit, in all of which he has already been granted bail.
5. The learned A.G.A-I has opposed the bail application and he has submitted that the other cases, in which the applicant is involved, are of similar nature which indicates that the applicant is a habitual offender. He has further submitted that the informant has fully supported the F.I.R allegations in his statement recorded under Section 161 Cr.P.C and the allegation of transfer of Rs. 1,90,000/- is established from the bank account statements.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that from the allegations levelled in the F.I.R it appears that it was the informant himself who tried to secure employment for his son and daughter by payment of bribe and the F.I.R has been lodged after he failed in the aforesaid endeavor and that the applicant has been granted bail in four other cases of similar nature, coupled with the fact that the applicant is languishing in jail since 15.06.2022 and till date only charges have been framed and not even a single prosecution witness has been examined and 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, this bail application stands **allowed**.

8. Let the **applicant- Mohd. Jamir Khan @ Sheru** 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.

(Subhash Vidyarthi,J.)

Order Date :- 26.10.2023
Preeti.