

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12545 of 2023

Applicant :- Mohd. Arhan Khan @ Sameer

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

Counsel for Applicant :- Sunil Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Sunil Kumar, the learned counsel for the applicant as well as Sri Virendra Kumar, 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. 0001 of 2023, under Section 411, 413 I.P.C., registered at Police Station Para, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 01.01.2023 against four persons, including the applicant, alleging that the accused persons were apprehended by the police when they were riding two motorcycles and they confessed that the motorcycles were stolen. Two mobile phones and Rs. 5800/- were recovered from the applicant.
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.
5. The learned counsel for the applicant has submitted that after his arrest, the applicant has been implicated in four other cases, particulars whereof are mentioned in para 11 of the affidavit filed in support of the bail application, in one of those cases, the applicant has already been granted bail.
6. The learned counsel for the applicant has submitted that two co-accused persons, Mohd. Tanveer Ahmad and Mohd. Mateen, have already been granted bail in the present case by means of orders dated 11.04.2023 and 17.04.2023 passed by a coordinate bench of this Court in Criminal Misc. Bail Applications No. 4810 of 2023 and 4075 of 2023, respectively.

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

8. Having considered the aforesaid facts and circumstances of the case and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

10. Let the applicant- **Mohd. Arhan Khan @ Sameer** 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 :- 27.10.2023
Preeti.