

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12816 of 2023

Applicant :- Mohammad Arif Alias Guddu

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

Counsel for Applicant :- Rehan Ahmad Siddiqui

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rehan Ahmad Siddiqui, learned counsel for the applicant as well as Sri Sharad Kumar Verma, 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. 124 of 2023, under Sections 3/5 of Explosive Substance Act and Section 3/25 of Arms Act, registered at Police Station- Harraiya, District-Balrampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.07.2023 against the applicant stating that an explosion took place in the house of the applicant and although no explosive was recovered from the spot, there were signs of an explosion and a smell of explosives was emanating from the spot.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicants involvement in two other cases has been disclosed in para 13 of the affidavit enclosed with the bail application- one of which is under Section 41/109 Cr.P.C. which is merely preventive in nature and in the other case under Section 4/10 U.P. Protection of Trees in Rural & Hill Areas Act, 1976, a fine has been imposed against the applicant. Co-accused Ajmer has been granted bail in the present case by means of order dated 23.08.2023 passed by this Court in Criminal Misc. Bail Application NO.10360 of 2023.

5. The learned A.G.A. has opposed the prayer for 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 is languishing in jail since 12.07.2023 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.

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

8. Let the applicant- **Mohammad Arif Alias Guddu** be released on bail in Case Crime No. 124 of 2023, under Sections 3/5 of Explosive Substance Act and Section 3/25 of Arms Act, registered at Police Station Harraiya, District Balrampur. 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 :- 1.11.2023
Gurpreet Singh