

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12981 of 2023

Applicant :- Mujeeb Ahmad

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

Counsel for Applicant :- Nadeem Murtaza, Arun Sinha, Wali Nawaz Khan

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Arun Sinha and Sri Nadeem Murtaza, learned counsel for the applicant, Sri Manish Kumar Pandey, 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. 544 of 2023, under Sections 223, 224, 511, 420, 120-B, 467, 468, 471 I.P.C., registered at Police Station Kotwali, District Sitapur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 06.09.2023 by an Inspector of Police against six persons, including the applicant stating that the applicant was found talking to a co-accused advocate inside the lock up of district court whereas he had not been summoned for appearance before any court. The F.I.R. itself states that the co-accused Vyas Shukla stated that he was also lodged in prison and he has been assigned the duty of making entries regarding appearance of accused persons in the court and he had recorded the name of the applicant amongsts persons to be produced in the court after seeing the original production order. It has been submitted on behalf of the applicant that the applicant is already languishing in jail since 25.07.2023 and being in custody he was brought to the lockup by the concerned officials and the

applicant himself has not committed any offence.

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 applicant's involvement in 28 other cases has been disclosed in para 19 of the affidavit, in 14 of which the applicant has been acquitted, in three cases the I.O. has submitted a final report and in eight cases the applicant has been granted bail. The proceedings of two cases have been stayed by this court and an externment order passed passed in U.P. Control of Goondas Act has been quashed.

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 was already languishing in jail and he was brought from the jail to the lockup and being in custody in control of the authorities it was not open to the applicant to defy from coming to the prison to the court in case the authorities had directed him to do so 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- Mujeeb Ahmad** 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 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 :- 2.11.2023
Ram.