

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13064 of 2023

Applicant :- Jabbar

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

Counsel for Applicant :- Bimal Kumar,Dheeraj Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dheeraj Awasthi, the learned counsel for the applicant as well as Sri Amitabh Chaturvedi, 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. 221 of 2023, under Section 34, 411, 413, 414 I.P.C., registered at Police Station Dahi, District Unnao.

3. The aforesaid case has been registered on the basis of F.I.R. lodged by a Sub Inspector of Police against five person, including the applicant, alleging that on the basis of information received from a mukhbir, two vehicles were intercepted in one of which the applicant was sitting. It is alleged that some stolen articles were loaded on both the vehicles and a country made pistol, two live cartridges and Rs.160/- 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, he has been falsely implicated in the present case.

5. Applicant's involvement in three other cases has been disclosed in para 16 of the affidavit filed in support of the application and after his arrest the applicant has been implicated in three more cases, two of which are mentioned in para 16 of the affidavit and one case has been mentioned in supplementary affidavit filed on behalf of the applicant. The applicant has already been granted bail in all the earlier cases in which he was involved.

6. The learned counsel for the applicant has submitted that co-accused Virendra Singh, and Rahul Mishra have already been granted bail by means of the orders dated 19.09.2023 and 19.10.2023 passed by this Court in Criminal Misc. Bail Application Nos. 11257 of 2023 and 12455 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 keeping in view the fact that the alleged recovery has not been witnessed by any independent person and that two of the co-accused persons have already been granted bail; that the applicant is languishing in jail since 31.07.2023 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- Jabbar 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 :- 6.11.2023
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