

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13570 of 2023

Applicant :- Jabir Ansari

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

Counsel for Applicant :- Amit Kumar Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Amit Kumar Awasthi, the learned counsel for the applicant as well as 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. 285 of 2023, under Section 399, 402, 411, 413, 414 I.P.C., registered at Police Station Isanagar, District Kheri.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 25.07.2023 against eight persons, including the applicant, alleging that a police party had apprehended three persons on the basis of information received from a mukhbir, while they were making plans for committing dacoity. It is alleged that several stolen articles were recovered from the possession of those three persons and in their custodial statement, they implicated four more persons, including 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. The applicant's involvement in 34 other cases has been disclosed in para 5 of the affidavit and a supplementary affidavit and the applicant has been acquitted in four cases; in one case the investigating officer has submitted final report and in rest of the cases, he has been granted bail. The learned counsel for the applicant has submitted that no incriminating material has been recovered from the applicant.
5. Co-accused Dangal Singh, who was arrested on the spot, has been granted bail by means of the order dated 03.11.2023 passed by this Court in CRIMINAL MISC. BAIL APPLICATION No.12810 of 2023. One Jaypal Singh, who was arrested on the basis of information given by co-accused persons that they used to sell stolen articles to him, has also been granted bail by means of the order dated 10.10.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.11976 of 2023 yet another accused Merajul @ Meraj, who was implicated on the basis of custodial statement of the arrested persons has also been granted bail by means of the order dated 03.10.2023

passed in CRIMINAL MISC. BAIL APPLICATION No.11653 of 2023.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated in the present case solely on the basis of custodial statement of a co-accused person and no incriminating material has been recovered from his possession, coupled with the fact that the applicant is languishing in jail since 04.08.2023 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- Jabir Ansari 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 :- 17.11.2023

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