

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13404 of 2023

Applicant :- Firoz Ahmad

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

Counsel for Applicant :- Shakti Kumar Verma, Ashish David Rao

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ashish David Rao, the learned counsel for the applicant as well as Sri Sanjay Maurya, 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. 384 of 2023, under Section 395, 412, 120-B I.P.C., registered at Police Station Kheri, District Kheri.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 28.08.2023 alleging commission of robbery of Rs.1,13,000/- by three unknown motorcycle borne miscreants.
4. The police claimed to have arrested four persons, including the applicant, on the basis of information received from a mukhbir and to have recovered two motorcycles and various amounts in cash from each of them. Rs. 15,000/- are claimed to have been recovered from the applicant.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is a 23 years old person who has completed L.L.B. Course and he has falsely been implicated in the present case.
6. It has further been stated in the affidavit that the applicant was taken away from his home in the early morning on 26.09.2023 and the police have falsely shown his arrest on 27.09.2023 from an open place.
7. The learned counsel for the applicant has submitted that the alleged recovery has not been witnessed by any independent person.

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

9. 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 aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

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

11. Let the **applicant- Firoz 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 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 :- 9.11.2023
Preeti.