

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13948 of 2023

Applicant :- Mohammad Mojahid Alam

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

Counsel for Applicant :- Iqbal Ali

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Iqbal Ali, the learned counsel for the applicant as well as Ms. Charu Singh, 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. 837 of 2023, under Section 419, 420 I.P.C., registered at Police Station kotwali Sadar, District Kheri.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 04.09.2023, alleging that during an examination held for making appointments to the post of constable (cook), the applicant's biometric verification failed from which it appears a possible case of impersonation.
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 and he has no criminal history.
5. The learned A.G.A. has opposed the prayer of the 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 F.I.R merely expresses a possibility of impersonation as there is no categorical assertion of the offence having been committed by the applicant, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 05.09.2023 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- Mohammad Mojahid Alam** 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 :- 24.11.2023

Preeti.