

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14093 of 2023

Applicant :- Ashif Khan

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

Counsel for Applicant :- Janendra Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Janendra Kumar Verma, the learned counsel for the applicant, Ms. Charu Singh, the learned AGA 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. 285 of 2023, under Sections 399/402/411/413/414 I.P.C., registered at Police Station Ishanagar, District Lakhimpur Kheri.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 25.07.2023 against eight persons, including the applicant, alleging that on the basis of information received from a mukhbir three persons, including the applicant, were arrested while they were making plans for commission of a decoity and four persons ran away. The F.I.R. mentions that several stolen articles were recovered from the possession of the arrested persons and in their custodial statement, they stated that they can get some more articles recovered from the applicant. A pistol, a live cartridge, two mobile phones, Rs. 8900/- are said to have been recovered from the applicant and it is claimed that on his pointing out a motorcycle was recovered with two bags affixed to it and some articles were also recovered from the bags attached to the motorcycle.

4. The applicant's involvement in a total of 17 cases has been explained by filing a supplementary affidavit and he has been granted bail in 14 cases.

5. Six co-accused persons, namely, Merajul @ Meraj, Nafees, Dangal Singh, Sambari, Jaypal Rastogi and Jabir Ansari have already been granted bail in the present case.

6. The learned A.G.A. has opposed the prayer for 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 six other co-accused persons have already been granted bail in the present case, including two co-accused persons Dangal Singh and Nafees from whom a similar recovery has been made along with the applicant 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.

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

9. Let the applicant-***Ashif Khan*** 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.

Order Date :- 7.12.2023

Pradeep/-