

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15251 of 2023

Applicant :- Jameel

Opposite Party :- State Of U.P Thru. Addil. Chief Secy. Deptt. Home Lko.

Counsel for Applicant :- Gulam Mustafa

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Gulam Mustafa, the learned counsel for the applicant as well as Sri Arpit Kumar, 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. 320 of 2023, under Section 395, 412, 458 I.P.C., registered at Police Station Dubagga, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 08.10.2023 alleging commission of a theft.
4. The police claimed to have arrested four persons and on the basis of statement of one of them, the applicant has been implicated in the present case. Rs. 4,500/- cash, one silver kamar peti are said to have been recovered from his possession.
5. 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. Co-accused Divyansh Bharti @ K.K. has been granted bail by means of an order dated 19.12.2023 passed by this Court in Criminal Misc. Bail Application No. 15251 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 on the basis of custodial statement of a co-accused person; that the alleged recovery made by the applicant has not been witnessed by any of the independent person, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 12.10.2023 and Co-accused Divyansh

Bharti @ K.K. has been granted bail 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.

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

9. Let the applicant-***Jameel*** 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.

Order Date :- 22.12.2023

Pradeep/-