

Court No. - 15

**Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22253
of 2019**

Applicant :- Saleem

Opposite Party :- State Of U.P.

Counsel for Applicant :- Shailesh Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

Heard learned counsel for the applicant, learned A.G.A for the State and perused the entire record.

The present bail application has been filed by the applicant in Case Crime No.239 of 2019, under Sections 379 and 411, P.S. Gulauthi, District Bulandshahr with the prayer to enlarge the applicant on bail.

The contention as raised at the bar by the learned counsel for the applicant that the applicant has been falsely implicated in the present case; that no recovery has been made from the possession of the applicant; there is no independent or public witness of the alleged recovery; that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial and that he is languishing in jail since 06.05.2019, having no criminal history.

Learned A.G.A. has opposed the prayer for bail.

Keeping in view the submission of learned counsel for the parties, period of detention of the applicant and all the attending facts and circumstances of the case, without expressing any opinion on the merits of the case, at this stage, *prima facie*, a case for bail has been made out.

Let the applicant **Saleem** involved in the aforesaid crime be

released on bail on furnishing a personal bond and two sureties each of the like amount to the satisfaction of the 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 the date fixed by the trial Court
- (iv) The applicant shall not commit an offence similar to the offence of which applicant is accused, or suspected of the commission, of which applicant is suspected.
- (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade the applicant from disclosing such facts to the Court or to any police officer or temper with the evidence.

In case of default of any of the conditions enumerated above, it would be open to the prosecution to move for cancellation of bail.

Order Date :- 31.5.2019
A. Tripathi