

Court No. - 86

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15634 of 2021

Applicant :- Shadab

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Belal

Counsel for Opposite Party :- G.A.

Hon'ble Anil Kumar Ojha,J.

As per Resolution dated 07.04.2021 of the Committee of this Court for the purpose of taking preventive and remedial measures and for combating the impending threat of Covid-19, this case is being heard by way of virtual mode.

Heard learned counsel for the applicant and learned A.G.A for the State through video conferencing.

The instant bail application has been filed with a prayer to grant bail to the applicant, Shadab, in Case Crime No.847 of 2020, under Sections- 392, 411 I.P.C., Police Station- Hapur Nagar, District-Hapur.

Submission of learned counsel for the applicant is that applicant is innocent and has been falsely implicated by the police in this case. He has further submitted that the alleged looted mobile has been allegedly recovered from the possession of co-accused, Waseem and except Rs.90/-, nothing has been recovered from the possession of applicant, which belongs to the applicant. It has been further submitted that applicant has nothing to do with the alleged incident. Further, the applicant has not committed the alleged offence. There are no criminal antecedents of the applicant. He has further submitted that there are no chances of applicant's fleeing from the judicial process or tampering with the prosecution evidence and in case the applicant is released on bail, he shall not misuse the liberty of bail. The applicant is languishing in jail since 31.1.2021.

Per contra, learned A.G.A. vehemently opposed the prayer for bail, but did not dispute the fact that alleged looted mobile has been recovered from the possession of co-accused, Waseem and there is no criminal history of the applicant.

Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, without commenting on merits of the case and considering the rival submissions of the learned counsel for the parties, I am of the view that the

applicant has made out a case for bail.

Accordingly, the bail application is **allowed**.

Let the applicant, **Shadab**, involved in the aforesaid case crime, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

1. The applicant shall not tamper with the evidence or threaten the witnesses.
2. The applicant shall co-operate with the trial and shall not seek any adjournment on the dates fixed for charge, evidence when the witnesses are present in the court, statement under Section 313 Cr.P.C. and argument.
3. During trial, he shall not indulge in any criminal activities.

In breach of any condition enumerated above, Trial Court shall be at liberty to treat it as abuse of liberty of bail and pass appropriate orders in accordance with law.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

The computer generated copy of such order shall be self attested by the counsel of the party concerned.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 31.5.2021

Anil K. Sharma