

Court No. - 85

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11968 of 2022

Applicant :- Zeeshan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Arun Kumar Vishvakarma

Counsel for Opposite Party :- G.A.

Hon'ble Vikram D. Chauhan,J.

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

It is submitted by learned counsel for the applicant that as per the First Information Report, the informant was looted for Rs. 32100/- by unknown persons while he was travelling in Scorpio car. It is submitted that the applicant was not named in the FIR. However, when police raided in pursuance to the another First Information Report dated 9th August, 2021, under Sections 41, 102 Cr.P.C. and 414 I.P.C. it is alleged that a recovery of one mobile phone and Rs. 2150/- has been recovered. Thereafter, the applicant has also been implicated in the present F.I.R. There is no evidence against the applicant and the applicant has been falsely implicated in the present case. The applicant has explained his criminal history in paragraph no. 15 of the affidavit; in Case Crime No. 193 of 2021, he has been enlarged on bail; in Case Crime No. 303 of 2021, the applicant has also been enlarged on bail. So far as Case Crime No. 41 of 2021 is concerned, the bail application is under process. Applicant is languishing in jail since 9.8.2021 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial.

Learned A.G.A. for the State opposed the prayer for bail but does not dispute the factual matrix.

Considering the facts and circumstances of the case, nature of offence, evidence, complicity of the accused, submissions of learned counsel for the parties and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant **Zeeshan Khan** involved in Case Crime No. 158 of 2021, under Sections 395 and 412 I.P.C., Police Station Etmadpur, District Agra be released on bail on furnishing a personal bond and two sureties each in the like amount to the

satisfaction of the court concerned subject to the following conditions:-

1. The applicant will not tamper with the evidence during the trial.
2. The applicant will not pressurize/intimidate the prosecution witness.
3. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted and/or the applicant shall make himself available for interrogation by a police officer as and when required.
4. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
5. 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
6. The applicant shall not leave India without the previous permission of the Court.

In case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 31.3.2022
VMA