

Court No. - 1

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 18667 of 2022

Applicant :- Irfan

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Kumar Sharma, Abhas Sharma

Counsel for Opposite Party :- G.A., Ashok Kumar Singh

Hon'ble Jayant Banerji, J.

Heard learned counsel for the applicant, learned A.G.A. for the State and Sri Ashok Kumar Singh, learned counsel appearing for the complainant.

This bail application has been filed to enlarge the applicant on bail in Case Crime No. 94 of 2022, under Sections 147, 148, 504, 307, 354Kha, 324 IPC, Police Station Simbhawali, District Hapur.

As per the prosecution version, at about 8.00 pm, the complainants were returning back to their house raising slogan of 'Jai Sri Ram', near the house of Yasin, the applicant's side started abusing them, when they protest the same, they were beaten by the 'batt' of 'tamancha', 'balakati' and 'iron rod'.

Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present crime. It is submitted that the applicant's side also received injuries. There is no specific role was assigned to any of the accused person by the injured and the complainant. Only general role is assigned to the accused person. The applicant was not present on the spot at the time of the incident. He further submits that the applicant has no previous criminal history. It is also submitted that there is no apprehension that after being released on bail, he may flee from the course of law or may, otherwise, misuse the liberty of bail and the applicant is in jail since 11.03.2022 and the possibility of conclusion of trial in near future is very bleak.

Learned counsel for the applicant has contended that this is a case of parity inasmuch as the other co-accused have already been granted bail by this Court. It is contended that the case of the applicant is not other than the co-accused who have been enlarged on bail.

Learned A.G.A. and learned counsel for the complainant have, however, opposed the prayer for grant of bail, but they have not disputed the above contention made by the learned counsel for the accused applicant.

Considering the facts and circumstances of the case, I find it to be a fit case for bail.

Let the applicant- **Irfan son of Abdul Raseed @ Rashid Shakeel** be released on bail in the aforesaid case on his furnishing a personal bond of **Rs. 50,000/** with two sureties each of the same amount to the satisfaction of the court below with the following additional conditions which are being imposed in the interest of justice :-

(1) The applicant shall attend in accordance with the conditions of the bond executed under Chapter XXXIII of the Cr.P.C.;

(2) 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;

(3) 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;

(4) The applicant shall cooperate with any investigation in the case.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

The bail application stands **allowed**.

Order Date :- 27.6.2022

sfa/