

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13865 of 2022

Applicant :- Ibnul Hussain @ Babu

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

Counsel for Applicant :- Pawan Kumar Mishra, Mohd. Tabrez Iqbal, Osama Ahmad Abbasi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. The advocates are abstaining from judicial work today. However, as the question of personal liberty of the applicant is involved in the present case, I proceed to examine the merits of the case after perusal of record and with the assistance of learned AGA.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 239 of 2022, under Sections 392, 153-A, 295-A, 195, 506 IPC & Section 67-A I.T. Act, Police Station Malhipur, District Shrawasti.

3. The aforesaid case has been registered on the basis of an FIR lodged on 03.06.2022 alleging that there is a property dispute between the parties and when the informant was preparing a video in that regard, the applicant had snatched away his mobile phone on some day in January, 2022 but the informant did not remember the date of the incident. The informant alleged that he came to know that the applicant is misusing his mobile phone and SIM card for sending bogus messages to officers and is damaging the image of the Chief Minister of the State.

4. In the affidavit filed in support of the application, it has been stated that the applicant is innocent, he has falsely been implicated in the present case and that he has no criminal history. It has further been stated that no mobile phone or SIM card has been recovered from the applicant.

5. Having considered the aforesaid facts and circumstances of

the case and keeping in view the fact that the incident occurred on a unspecified date in January, 2022 and FIR has been lodged on 03.06.2022; that no incriminating material has been recovered from the applicant and that the applicant is 22 years old person having no criminal history and he is languishing in jail since 21.07.2022, I am of the view that the applicant is entitled to be released on bail in the aforesaid case.

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

7. Let the applicant-***Ibnul Hussain @ Babu*** be released on bail in Case Crime No. 239 of 2022, under Sections 392, 153-A, 295-A, 195, 506 IPC & Section 67-A I.T. Act, Police Station Malhipur, District Shrawasti on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to 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 :- 6.9.2023

Pradeep/-