

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26833 of 2023

Applicant :- Mohd. Rafi And Another

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Mohd Fareed,Amit,Mohammad Sakir

Counsel for Opposite Party :- G.A.,Sayyed Kashif Abbas Rizvi

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicants, Sri Santosh Kumar, Advocate holding brief of Sri S.K.A.Rizvi, learned counsel for the informant, learned AGA and perused the record.
2. As per allegations in the FIR, three persons including applicant are alleged to have assaulted the injured Hakam Ali and Ikram Ali.
3. It is submitted by learned counsel for the applicants that general allegation leveled against all the accused persons and one of the co-accused Sabir has already been enlarged on bail by another Bench of this Court, vide order dated 7.7.2023 passed in Criminal Misc. Bail Application No. 25874 of 2023. It is further submitted that applicants have no criminal antecedent except the present one and they are in jail since 9.4.2023.
4. Learned AGA has opposed, as well as learned counsel for the informant the bail application.
5. Considering the fact that the co-accused has been enlarged on bail, the applicants are entitled to be enlarged on bail on the ground of parity. In view thereof, the application is allowed.
6. Let the applicants Mohd. Rafi and Alam be released on bail in FIR No. 0092 of 2023, under sections 323, 504, 325 and 307 I.P.C., P.S. Dilari, district-Moradabad, on their furnishing personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:
 - (a) The applicants shall execute a bond to undertake to attend the hearings;

(b) The applicants shall not commit any offence similar to the offence of which they are accused or suspected of the commission; and

(c) The applicants 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 9.11.2023

Faridul