

Court No. - 85

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34958 of 2023

Applicant :- Meraj Ahmad

Opposite Party :- State of U.P.

Counsel for Applicant :- Pradeep Kumar Mishra, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Mayank Kumar Jain, J.

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

The present second bail application has been filed on behalf of applicant in Case Crime No. 94 of 2018, under Sections 147, 148, 149, 302, 307, 427/34 of IPC and 7 Criminal Law Amendment Act, Police Station Nawabganj, District Prayagraj (Allahabad) with the prayer to enlarge the applicant on bail. First bail application was rejected by this Court vide order dated 13.01.2023 in Criminal Misc. Bail Application No. 28507 of 2022.

It has been argued by learned counsel for the applicant that applicant is innocent and she has been falsely implicated in the present case. It is further submitted that after rejection of the bail of applicant co-accused Mohd. Zaid has been granted bail by this Court vide order dated 09.02.2023 passed in Criminal Misc. Bail Application No. 23588 of 2022. It is further submitted that P.W.-1- Mohd Raees and P.W.-2- Smt. Gulshena on whose evidence the applicant was summoned to face the trial does not corroborated the version of the prosecution, their examination-in-chief has already been considered at the time of passing of the order in first bail application. During their cross examination, they categorically admitted the involvement of the applicant in the incident and also did not identify the applicant in the Court. It is further submitted that applicant is languishing in jail since 09.06.2022 and criminal history of the applicant has been explained in paragraph-32 of the affidavit. In case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

Per contra, the learned Additional Government Advocate has opposed the prayer for grant of bail but he could not dispute the aforesaid aspect of the matter.

Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, nature of evidence and all attending facts and circumstances of the case, without expressing any opinion on 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 **Mearj Ahmad** in the aforesaid crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of court concerned subject to the following conditions:

- (1). The applicant will not tamper with the prosecution evidence during the trial.
- (2). The applicant will not influence any witness.
- (3). The applicant will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (4). 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 to any police officer or tamper with the evidence.

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

Order Date :- 17.10.2023
PS