

Court No. - 77

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42869 of 2023

Applicant :- Shahid Parvez

Opposite Party :- State of U.P.

Counsel for Applicant :- Syed Ali Imam

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Renu Agarwal,J.

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

The present first bail application has been filed on behalf of the applicant in Case Crime No. 150 of 2023, under Sections 147, 148, 149, 332, 353, 323, 307, 427, 504, 34 I.P.C. and section 7 Criminal Law Amendment Act, Police Station Achhnera, District Agra with the prayer to enlarge him on bail.

Learned counsel for the accused-applicant submits that as per first information report on 21.7.2023, some of the bank employees along with revenue officials visited to village-Sandhna to meet KCC loan borrowers and when the team reached at the house of applicant they started misbehaving with them and started manhandling. The allegation of firing with licensee gun was made against the applicant, but no one has sustained any gunshot injury. As per medical report, no grievous injury was sustained by any of the injured and all the injuries are found fresh and simple in nature. He further submits that mortgage land has already been attached on 24.6.2019 in compliance of the order of Tehsildar dated 30.5.2019 and in view of the above, there was no occasion for the officials of the bank and revenue department to visit the house of the applicant to insist him to repay the

balance amount. He further submits that no incriminating article or material has been recovered either from the applicant or on his pointing out. The applicant has no criminal history as mentioned in paragraph 19 of the affidavit accompanying bail application. He applicant is absolutely innocent and has been falsely implicated in the present case due to some ulterior motive. He lastly submits that other co-accused Smt. Bilkis has already been enlarged on bail by this Court, vide order dated 4.10.2023 passed in Criminal Misc. Bail Application No. 36497 of 2023. Applicant is languishing in jail since 24.7.2023 and he is entitled to be enlarged on bail on the ground of merits as well as parity. If the applicant is granted the liberty of bail he will not misuse the same and he is ready to furnish his sufficient sureties, bonds and personal bonds.

On the other hand, learned AGA has opposed the prayer of bail but could not controvert the aforesaid arguments as advanced by learned counsel for the applicant.

Considering the fact that specific allegation of firing by licensee gun is assigned to the applicant but the medical report does not shown any gunshot injury, disputed property has already been attached on 24.6.2019 in compliance of the order of Tehsildar dated 30.5.2019, injuries sustained by the injured are simple in nature, co-accused Smt. Bilkis has been granted bail by this Court and without expressing any opinion on the merits of the case , accused-applicant is liable to be released on bail.

Let applicant **Shahid Parvez** be released on bail in the above case crime number

and on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

(v) The applicant shall also furnish an undertaking from the sureties that the properties (movable/immovable) which are the basis of accepting the surety, shall not be disposed of by them till the conclusion of trial.

(vi) The applicant shall also give an undertaking to the effect that he will not change his address without prior intimation to the trial court concerned.

(Renu Agarwal,J.)

Order Date :- 17.10.2023
Faridul