

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38764 of 2023

Applicant :- Sahabzade

Opposite Party :- State of U.P.

Counsel for Applicant :- Prashant Kumar Singh

Counsel for Opposite Party :- G.A., Anil Kumar Tripathi, Gopal Dwivedi, Shashi Shankar Tripathi, Utsav

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Prashant Kumar Singh, learned counsel for the applicant, learned AGA for the State, Sri Utsav, learned counsel for the informant and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.117 of 2023, under Sections 342, 343, 365, 395, 412, 419, 420, 467, 468, 471, 506, 34 IPC, Police Station Machhali Sahar, District Jaunpur, during the pendency of trial.

3. It is argued by the learned counsel for the applicant that the present applicant has been falsely implicated in the present case. As per allegation the role of the present applicant is that he confined the victim and used to tender threats on behalf of the main accused. It is further contended that the co-accused persons have already been enlarged on bail by co-ordinate Benches of this Court vide order dated 26.09.2023 passed in Criminal Misc. Bail Application No.37024 of 2023 (Jalaludeen @ Jalaloo Driver Vs. State of UP and another) and the order dated 10.10.2023 passed in Criminal Misc. Bail Application No.31376 of 2023 (Tariq Waseem Vs. State of UP). He next submitted that since the aforesaid co-accused persons have already been enlarged on bail in the identical case, the applicant is also entitled to be enlarged on bail. There is no previous criminal history. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 02.06.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the

case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Sahabzade**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

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

Order Date :- 16.10.2023

Shahroz