

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38933 of 2023

Applicant :- Saiyed Rizwaan Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajeet Kumar Shukla, Sarvesh Kant Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Counter affidavit filed today is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
3. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 147 of 2023 under Sections 323, 504, 307 I.P.C., Police Station-Kydganj, District- Prayagraj, during the pendency of the trial.
4. Counsel for the applicant contends that the applicant has been falsely implicated in the present case due to enmity. As per the injury report, the injured has received 7 injuries, however, as per the opinion of the doctor injury nos. 1, 2 & 4 are simple in nature and injury nos. 3, 5, 6 & 7 are grievous in nature, however not fatal for life. The injured/victim was admitted in the hospital on 12.7.2023 and was discharged on 14.7.2023. Nothing incriminating has been recovered from the pointing of the applicant. There is no independent witness of the alleged incident and all the witnesses are interested witnesses. The applicant is in jail since 13.7.2023, having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having regard to the submissions made above and the fact that the applicant has remained confined for more than three months, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would

either temper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Saiyed Rizwaan Ali**, involved in aforesaid case 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.

8. 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 :- 28.10.2023

S.Verma