

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38726 of 2023

Applicant :- Nadeem Ahmad

Opposite Party :- State of U.P.

Counsel for Applicant :- Subhash Chandra Maurya, Dharmendra Shukla, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh, J.

1. Heard Sri Anil Tiwari, learned Senior Advocate, assisted by Sri Subhash Chandra Maurya, learned counsel for the applicant, Sri P. C. Srivastava, learned Additional Advocate General along with learned A.G.A. for the State and perused the entire record.
2. The present bail application has been filed by the applicant in case crime No. 274 of 2022, under Section 147, 148, 149, 323, 307, 386, 120-B IPC, police station Kareli, District Allahabad with the prayer to enlarge the applicant on bail.
3. It has been argued by learned senior counsel for the applicant that the applicant-accused is innocent and he has been falsely implicated in this case. It was submitted that in the alleged incident, injured has not sustained any injury and merely vague allegations have been levelled that all the accused persons, including applicant, came at the plot of informant and threatened him and demanded an amount of Rs. 10 lacs for allowing him to work at the plot. No specific role has been assigned to the applicant. It is further submitted that alleged incident has been shown of 14.08.2022 and it is also mentioned in the first information report that after the incident, the informant has tried to inform the police by dialing at number 112 but despite that after the incident, no report was lodged. The first information report has been lodged after 15 days on 31.08.2022 and in view of the aforesaid facts, the long delay of

15 days in lodging of the first information report, gives rise serious doubt regarding the authenticity of the prosecution version. Referring to the facts of the matter, it was submitted that during investigation, the version of informant that he could not report the matter to the police due to fear of accused persons, is wholly unacceptable. Statements of witnesses, recorded during investigation, were also referred and it was submitted that only vague allegations have been levelled against all the accused persons. Applicant has no criminal history and now he is languishing in jail since 07.07.2023 and that the investigation of the case is complete and charge-sheet has already been submitted in the court. It was further submitted that similarly placed co-accused Masooq Rashid @ Faisal has already been enlarged on bail by co-ordinate Bench of this Court, copy of which, is available on record. Lastly, it was submitted that in case, applicant is enlarged on bail, the applicant will not misuse the liberty of bail.

4. Learned A.A.G. has opposed the prayer for bail and argued that applicant is named in the first information report and that there are serious allegations against him and co-accused persons that they have threatened the informant by pointing pistols and demanded an amount of Rs. 10 lacs by saying that in this area whoever wants to perform any property related work, he has to pay the amount to 'Bhai Ateeq Ahmed'. It was also submitted that applicant and co-accused Asad have been assigned specific role of demanding the alleged amount (Rangdari) of Rs. 10 lacs from the informant. In his statement during investigation, the informant has explained the delay, which took place in lodging of the first information report and he has stated that he could not report the matter to the police due to fear of the accused persons. It was also submitted that before his arrest in this case, applicant has absconded. However, it could not be disputed that

now investigation is complete and charge-sheet has already been submitted in the court and that applicant is languishing in jail since 07.07.2023 and co-accused Masooq Rashid has already been granted bail.

5. Considering the submissions of learned counsel for the parties, nature of accusations, period of custody and all attending facts and circumstances of the case, without expressing any opinion on the merits of the case, a case for bail is made out. Hence, the bail application is hereby allowed.

6. Let the applicant **Nadeem Ahmad** involved in the aforesaid crime be released on bail on furnishing a personal bond and two local sureties each of the like amount to the satisfaction of court concerned subject to the following conditions:

- i. The applicant will not tamper with the evidence during trial.
- ii. The applicant will not pressurize/intimidate the prosecution witnesses.
- iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- iv. The applicant will not try to contact, threat or otherwise influence the complainant or any of the witness of the case.

7. In case of breach of any of the above condition, the court concerned shall be at liberty to cancel the bail of applicant, in accordance with law.

Order Date :- 17.11.2023
Anand