

Court No. - 80

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11024 of 2023

Applicant :- Nazakat And 2 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Mohd. Naushad, Rajiv Sisodia

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Chandra Sharma, J.

Heard learned counsel for the applicants as well as learned A.G.A. for the State and perused the material placed on record.

This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No.247 of 2020, under sections 147, 148, 149, 224, 323, 325, 332, 333, 353, 307, 188, 269, 270, 271, 427, 504 I.P.C. & Section 7 Criminal Law Amendment Act & Section 3 Epidemic Act & Section 3 Prevention of Damage to Public Property Act, Police Station Jhinhana, District Shamli, during the pendency of trial.

It is submitted that in this case only applicant Nazakat was named in F.I.R. Applicants namely Ayaz Khan and Zareef Khan were not named in the F.I.R. but during investigation their names were brought into light and charge sheet was filed. Further submitted that other co-accused persons have already been enlarged on bail by this Court as well as by the co-ordinate Benches of this Court in Criminal Misc. Anticipatory Bail Application Nos.4912 of 2023, 4038 of 2020 & 6026 of 2020 and the case of the present applicants is on similar footing. It is further submitted that a Writ Petition No.8559 of 2020 was filed before this Court in which arrest of the applicants was stayed during investigation and then after filing of charge sheet the applicants are under apprehension of imminent arrest. In case, the applicants are released on bail, they would not misuse the liberty of bail and would cooperate with the trial.

Learned A.G.A. opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, perusal of record and the fact that other co-accused persons have already been enlarged on

bail by this Court and co-ordinate Benches of this Court and the case of the present applicants is on similar footing, therefore, the applicants are entitled to be released on anticipatory bail in this case during the pendency of trial.

In the event of arrest of the applicants- **Nazakat, Ayaz Khan & Zareef Khan**, shall be released on anticipatory bail on furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicants shall appear before the learned court everyday when case is fixed unless exempted;

(ii) The applicants 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 from disclosing such facts to the Court or to any police office;

(iii) The applicants shall not leave India without the previous permission of the Court and if they have passport, the same shall be deposited by them before the S.S.P./S.P. concerned.

In default of any of the conditions, this order will automatically stand vacated.

Order Date :- 16.10.2023

Ashok Gupta