

Court No. - 37

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49915 of 2022

Applicant :- Abdul Wazid @ Bablu @ Bablu Mistri

Opposite Party :- State of U.P.

Counsel for Applicant :- Ray Sahab Yadav, Abhay Raj

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

As regards the delay caused in trial by non-examination or prevention of examination of witnesses by lawyers due to strike calls. [See: **Noor Alam v. State of U.P. (Criminal Misc. Bail Application No.53159 of 2021)**].

By means of the third bail application the applicant has prayed to be enlarged on bail in Case Crime No.0053 of 2022 at Police Station Ghorawal, District-Sonbhadra under Sections 364, 323, 504, 506 and 34 I.P.C. The applicant is in jail since 17.03.2022.

The second bail application of the applicant was rejected by this Court on 08.06.2022.

The interim bail was granted to the applicant by this Court on 01.03.2023.

The following arguments made by Shri Ray Sahab Yadav, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Ashok Kumar Tiwari, learned counsel on behalf of the informant and Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of interim bail:

(1). The applicant claims congruency in role and seeks parity in relief granted to the co-accused Gulam Rasool who has been enlarged on bail by this Court by order dated 13.10.2022 in Criminal Misc. Bail Application No. 30866 of 2022.

(2). The applicant is a law abiding citizen who cooperated with the police investigations and has joined the trial proceedings.

(3). As per the chargesheet the prosecution proposes to examine nine witnesses but till date only one witness has been examined.

(4). The trial is moving at a snail's pace and shows no sign of early conclusion. The applicant is not responsible for the delay in the trial.

(5). Inordinate delay in concluding trial had led to virtually an indefinite imprisonment of the applicant without there being any credible evidence to implicate him in the offence and violates the rights of the applicant to speedy trial.

(6). The applicant does not have any criminal history apart from this case.

(7). The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing

witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Abdul Wazid @ Bablu @ Bablu Mistri Suraj Pasi be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence or influence any witness during the trial.
- (ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 29.11.2023

Ashish Tripathi