

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42052 of 2023

Applicant :- Rashid Quraishi @ Dhamman

Opposite Party :- State of U.P.

Counsel for Applicant :- Abdul Mazeed, Mohd. Naseer Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
3. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.779 of 2016, under Sections 395, 412, 506 IPC, Police Station Muradnagar, District Ghaziabad, during the pendency of trial.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The applicant was not named in the FIR. His name has come into picture on the confessional statement of the co-accused persons. It is also contended that as per the prosecution story the incident took place on 17.10.2016 on that time the applicant was in jail at Muzaffarnagar with regard to another case. It is further contended that the co-accused persons have already been enlarged on bail by co-ordinate Benches of this Court vide orders dated; (i) 20.04.2017 passed in Criminal Misc. Bail Application No.14396 of 2017 (Mubarik Vs. State of UP); (ii) 05.10.2017 passed in Criminal Misc. Bail Application No.10103 of 2017 (Shankar @ Aman Vs. State of UP); (iii) 22.09.2017 passed in Criminal Misc. Bail Application No.36862 of 2017 (Shahid @ Kabootar Vs. State of UP); and (iv) 07.10.2017 passed in Criminal Misc. Bail Application No.37445 of 2017 (Khalid Vs. State of UP). He, therefore, contends that the applicant is also entitled to be enlarged on bail on the ground of parity. He further contends that there is criminal history of five cases against the applicant. There is no likelihood of his abscondence or tampering with the evidence. He is in jail since 16.12.2016. In case the applicant is enlarged on bail, he will not misuse the said liberty.

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

6. 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.

7. Let the applicant - **Rashid Quraishi @ Dhamman**, involved in the 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 :- 3.11.2023

Shahroz