

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42432 of 2023

Applicant :- Manish Khan @ Ballia

Opposite Party :- State of U.P.

Counsel for Applicant :- Lihazur Rahman Khan, Araf Khan

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard learned counsel for the applicant and Sri Anupam Anand, learned Brief Holder for the State-opposite party.
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. 372 of 2023, under Sections 147, 148, 149, 323, 325, 308, 336, 504, 506, 452 I.P.C., Police Station Roravar, District Aligarh during the pendency of the trial.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case. 9 persons including the applicant and 4-5 unknown persons are alleged to have assaulted 7 persons. The injuries sustained by 5 persons are simple in nature, whereas injured Sonu received fracture on the left hand and fibula bone. It is contended that a vague and general role has been assigned to the applicant. The applicant has not been assigned as the principal offender who caused injuries to the injured persons. The injuries sustained by the injured persons are on non-vital part of the body. The applicant is in jail since 16.08.2023 having no criminal history and if he is released on bail, he will not misuse the said liberty.
5. Learned Brief Holder has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that a vague and general role has been assigned to the applicant. The applicant has not been

assigned as the principal offender. The injuries sustained by injured persons are on non-vital part of the body. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for almost two and half months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, 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- Manish Khan @ Ballia, 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 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; and,
- (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 :- 8.11.2023
SKT/-