

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43585 of 2023

Applicant :- Nitin @ Fatfat

Opposite Party :- State of U.P.

Counsel for Applicant :- Sudhir Kumar Agarwal

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 156 of 2023 at Police Station Muradnagar, District Ghaziabad under Section 452, 302, 120B/34 I.P.C. The applicant is in jail since 22.05.2023.

The bail application of the applicant was rejected by the learned trial court on 17.08.2022.

The following arguments made by Ms. Shipra, learned counsel holding brief of Shri Sudhir Kumar Agarwal learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Shrawan Kumar Dubey, learned AGA from the record, entitle the applicant for grant of bail:

1. The applicant was not named in the F.I.R.
2. The F.I.R. identifies Sonu, Monu and Brijesh as the principal offenders who discharged their firearms and inflicted fatal gunshot injuries to the person of the

deceased.

3. The applicant has not been identified as the principal offenders who inflicted fatal injuries which caused the death of the deceased.

4. The applicant was belatedly nominated by some witnesses after due deliberation with the interested parties on account of village rivalry. The said statements are unreliable.

5. According to the said witnesses the applicant had a role in the criminal conspiracy. However, there is no evidence against the applicant to connect with any criminal conspiracy.

6. No incriminating article has been recovered from the applicant.

7. Prosecution evidence does not connect the applicant with the offence.

8. The applicant does not have any criminal history apart from the instant case.

9. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertake to join the trial 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- **Nitin @ Fatfat** 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 :- 12.10.2023

Dhananjai