**Court No. - 64**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 42868 of 2023

**Applicant :-** Furkan
**Opposite Party :-** State of U.P. and Another
**Counsel for Applicant :-** Zafar Abbas,Sarve Nazir
**Counsel for Opposite Party :-** G.A.,Faheem Ahmad

**Hon'ble Siddharth,J.**

Heard learned counsel for the applicant; Shri Rohit Singh holding brief of Shri Faheem Ahmad, learned counsel for the informant and learned A.G.A for the State.

The submission is that co-accused, Shoaib, has already been enlarged on bail vide Criminal Misc. Bail Application No. 43189 of 2023 by order of date and the case of the applicant stands on identical footing, hence the applicant is also entitled for bail for the reasons given in bail application of co-accused on the ground of parity. The applicant is in jail since 26.7.2023.

On the other hand learned A.G.A. and learned counsel for the informant have opposed the prayer for bail.

Keeping in view the nature of the offence, evidence, complicity of the accused, submissions of the learned counsel for the parties, larger mandate of the Article 21 of the Constitution of India, considering the recent judgment dated 11.07.2022 of the Apex Court in the case of Satendra Kumar Antil vs. C.B.I., passed in S.L.P (Crl.) No. 5191 of 2021 and considering 5-6 times overcrowding in jails over and above their capacity by the under trials and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, Furkan, involved in Case Crime No. 226 of 2023, under Sections 376D,328,366,342,323,506 IPC, Police Station- Hayatnagar District- Sambhal, 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 following conditions. Further, before issuing the release order, the sureties be verified.

1. The applicant shall not tamper with the prosecution evidence

by intimidating/ pressurizing the witnesses, during the investigation or trial.

2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

4. That the applicant 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 him from disclosing such facts to the Court or to any police officer;

5. The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence and the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law to ensure presence of the applicant.

6. The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of his bail and proceed against him in accordance with law.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

**Order Date :-** 18.10.2023

Atul kr. sri.

Digitally signed by :-
ATUL KUMAR SRIVASTAVA
High Court of Judicature at Allahabad