Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44099 of 2023

Applicant :- Ifrat
Opposite Party :- State of U.P.
Counsel for Applicant :- Sunil Kumar Tiwari
Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.0156 of 2023, under Sections 147,148, 149, 323, 307, 504 I.PC., Section 7 U.P. Criminal Law Amendment Act & Sections 3/25/27 Arms Act, Police Station Bahsuma, District Meerut.

3. Learned counsel for the accused-applicant submitted that the applicant is innocent and has been falsely implicated in the instant case due to malafide intentions. He next submits that as per prosecution story, two rival groups were found involved in brick batting and arsoning by police on 17.9.2023 and in all five persons were injured from defense side and three from prosecution side. It is apparent that the prosecution has not come up with clean hands and it is difficult to ascertain at this stage as to which party is the aggressor. None of the injuries found on the vital part of the injured. All the injuries sustained by the injured are simple in nature. He further submits that similarly placed co-accused Mustkim and Jan Mohammad have already been enlarged on bail by Co-ordinate Benches of this Court, vide orders dated

16.10.2023 and 19.10.2023 passed in Criminal Misc. Bail Application Nos.43841 of 2023 and 43521 of 2023, respectively. Copy of the bail orders produced by learned counsel for the applicant is taken on record. Applicant, who is languishing in jail since 17.9.2023, having no criminal history is also entitled to be enlarged on bail on the ground of parity. There is no likelihood of his abscondence or tampering with the evidence, therefore, the accused-applicant may be enlarged on bail.

4. Learned AGA has vehemently opposed the bail application but he could not dispute the submission made above.

5. Considering the facts, circumstances and the submissions made above, this Court is of the view that the applicant has made out a fit case for grant of bail. Accordingly, the bail application is **allowed**.

6. Let the applicant - **Ifrat**, involved in the aforesaid case crime 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.

7. 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 :- 28.10.2023
Zafar

Digitally signed by :-
MOHAMMAD ZAFAR ANSARI
High Court of Judicature at Allahabad