

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43620 of 2023

Applicant :- Raja Alias Nazim

Opposite Party :- State of U.P.

Counsel for Applicant :- Shoab Qumar Khan

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Shoab Qumar Khan, learned counsel for the applicant, learned AGA for the State and perused the record.

2. By means of this bail application, applicant seeks bail in Case Crime No.580 of 2023, under Sections 363, 366 IPC, Police Station Majhola, District Moradabad, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. It is further contended that on the one hand the informant in his statement recorded under Section 161 CrPC has repeated the version of the FIR whereas on the other hand the victim in her statement recorded under Section 164 CrPC has not supported the prosecution version. He, therefore, argued that there are contradictions between version of the informant and the victim. It has been also contended that the victim visited several places with the applicant but nowhere she raised any alarm. There is no previous criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 05.08.2023. In case, the applicant is released on bail, he will not misuse the said liberty.

4. The prayer for bail has been vehemently opposed by learned AGA. However, the aforesaid factual aspects of parity to the co-accused.

5. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a case for grant of bail. Accordingly, the bail application is allowed.

6. Let the applicant - Raja Alias Nazim, 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 :- 7.11.2023

Shahroz/Vinod.