Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44262 of 2023

Applicant :- Mehboob
Opposite Party :- State of U.P.
Counsel for Applicant :- Mohammad Faisal Khan
Counsel for Opposite Party :- G.A.,Pawan Singh Pundir

Hon'ble Vivek Varma,J.

1. Heard learned Counsel for the applicant, learned A.G.A. for the State and Sri Pawan Singh Pundir, counsel for the informant. Perused the record.

2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 246 of 2023, under Sections 498A, 323, 308, 506, 316 I.P.C., and 3/4 D.P. Act, Police Station- Shahpur, District- Muzaffar Nagar during pendency of the trial.

3. Counsel for the applicant submits that the applicant is the brother-in-law of the victim and has been falsely implicated in the instant case. Six persons including the applicant are nominated in the first information report. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender, who caused injuries to the victim. The case of the applicant is clearly distinguishable from that of other co-accused. The applicant does not have any criminal history. The applicant is in jail since 15.8.2023. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. and counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that a vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender, who caused injuries to the victim. The case of the applicant is clearly distinguishable from that of other co-accused. The applicant has no criminal antecedents. Further the applicant has presently remained confined for more than two months and there is no hope of early conclusion of trial, more so when 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 intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Mehboob** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

i. the applicant shall not tamper with the prosecution evidence;

ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court.

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 :- 3.11.2023
S.S.

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