

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45122 of 2023

Applicant :- Imran

Opposite Party :- State of U.P.

Counsel for Applicant :- Sonakshi Arora,Araf Khan

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.29 of 2023 at Police Station-Hasayan, District-Hathras under Sections 304, 325, 323, 504 IPC. The applicant is in jail since 03.03.2023.

The bail application of the applicant was rejected by the learned trial court on 15.09.2023.

The following arguments made by Shri Araf Khan, learned counsel assisted by Ms. Sonakshi Arora, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The F.I.R. is the result of an argument between various members of the family which aggravated into a scuffle. The deceased fell on to the ground in and sustained a head injury.
2. Vague and general role has been assigned to the applicant in the F.I.R.
3. The applicant has not been identified as principal

offender who inflicted sole fatal injury causing death of the deceased.

4. The applicant is the son of the deceased. The applicant has been nominated to oust his claim from the joint family property.

5. The applicant does not have any criminal history apart from this case.

6. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court 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-Imran 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 :- 27.10.2023

Ashish Tripathi