

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45675 of 2023

Applicant :- Mohsin

Opposite Party :- State of U.P.

Counsel for Applicant :- Madhava Nand Shukla

Counsel for Opposite Party :- G.A

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Madhava Nand Shukla, learned counsel for the applicant, learned A.G.A. for the State and perused the records.

2. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 162 of 2023, under Sections 147, 307, 323, 325, 506 I.P.C Police Station- Civil Lines, District - Muzaffar Nagar, during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case without commission of offence. Learned counsel for the applicant has further submitted that applicant is not named in the F.I.R, his name came into picture during the confessional statement of the informant. The co-accused were also present and participated in commission of the crime by misguiding themselves. The applicant is falsely been implicated in Case rime No. 227 of 2021, under Sections 363, 366, 376 I.P.C. and 3/4 (2) POCSO Act, in which he has been granted bail by the court below. Learned counsel lastly submitted that the co-accused Firoz @ Bichhu, Nadeem @ Kala and Rihan Tyagi have already been granted bail by Co-ordinate Bench of this Court in ***Criminal Misc. Bail Application Nos. 27871 of 2023 and 28733 of 2023***, vide order dated 04.07.2023 & 26.07.2023, respectively. The applicant claims parity. He is in jail since **18.09.2023**, in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Mohsin**, 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 temper 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 :- 16.11.2023

Vinod.