

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46361 of 2023

Applicant :- Mohd. Alam

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajai Kumar, Shreya Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Ajai Kumar Garg, learned counsel for the applicant, learned AGA for the State-opposite party and perused the record.
2. The instant bail application, under Section 439 Cr.P.C, 1973, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 300 of 2023, under Sections 420, 413, 414, Police Station- Pakbara, District - Moradabad, during the pendency of trial.
3. Counsel for the applicant submitted that the accused-applicant has been falsely implicated in the instant case. Learned counsel has explained three criminal history of the applicant in para 10 of the affidavit .Learned counsel lastly submitted that the co-accused Munasif, has already been granted bail by Co-ordinate Bench of this Court in ***Criminal Misc. Bail Application No. 43886 of 2023***, vide order dated 16.10.2023. The applicant claims parity. He is in jail since 15.09.2023, in case he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA 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- **Mohd. Alam**, 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 :- 22.11.2023

Vinod/Shahroz