

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46741 of 2023

Applicant :- Shaif

Opposite Party :- State of U.P.

Counsel for Applicant :- Prashant Kumar Dubey, Anand Prakash Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant; learned AGA for the State and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.255 of 2023, under Sections 307 & 120-B IPC, Police Station Civil Lines, District Meerut, during the pendency of trial.
3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. He further contends that with the help of Section 120-B IPC, the applicant has implicated in the present case under Section 307 IPC read with Section 120-B IPC. Neither the applicant is the person who has provided money for committing the murder of the victim nor had given address of the killer who has assaulted the victim. Applicant has falsely been implicated on account of enmity with Jaan S/o Abdul, as there was some dispute with regard to the payment of scrap money. There is no previous criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 31.08.2023. In case, he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA contended that as per police document, important role has been played by the applicant in commission of crime. Hence, the bail application be rejected.
5. Contrary to that learned counsel for the applicant contended that what role has been played by the applicant has not been properly explained except the confessional statement of Jaan, there is any iota against the applicant.

6. Having regard to the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

7. Let the applicant - **Shaif**, 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.

8. 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

I.A.Siddiqui