

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47022 of 2023

Applicant :- Qasim Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Ambreen Masroor, Sadrul Islam Jafri, Sr. Advocate

Counsel for Opposite Party :- G.A., Anwar Hussain

Hon'ble Vivek Varma, J.

1. Heard counsel for the applicant, Sri Anwar Hussain, counsel for the informant and Sri Neeraj Kumar Sharma, learned A.G.A. for the State-respondent.

2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 328 of 2023, under Section 313 I.P.C., Police Station-Budhana, District- Muzaffarnagar, during the pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The role of assault has been assigned to the other named co-accused persons. The pregnancy of the informant was terminated with the consent of the informant. At present, there is no cogent evidence to link the applicant with the offence. The applicant is in jail since 15.09.2023, having no criminal history and 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 no role of assault has been assigned to the applicant. At this stage, there is no substantive evidence against the applicant that the pregnancy of the informant was terminated without her consent. Further, the applicant has no criminal antecedents and has remained confined for more than two months and 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 delay the trial 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- **Qasim Ali**, 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; and,
- 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 :- 1.12.2023
Sachin Mishra