

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47832 of 2023

Applicant :- Mohd. Samad

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Kumar Verma, Sameer Khan

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. Learned counsel for the applicant submitted that the applicant has already been granted bail 08.03.2008 but on account of his failure to appear before the trial court on few date due as he had gone to Mumbai for treatment. Subsequently, on the basis of Non Bailable Warrant the applicant has been arrested. He next submitted that the applicant has given an undertakings that he is ready to appear on each and every date before the court below for expeditious disposal of the case. He lastly submitted that the applicant, who has no reported criminal antecedent to his credit and is in jail since 27.7.2023, is entitled to be enlarged on bail during the pendency of the trial.

3. Learned AGA has opposed the bail application.

4. Considering the argument advanced by learned counsel for the applicant and the undertakings given, the applicant is entitled to be enlarged on bail. In view thereof, the application is allowed.

5. Let the applicant **Mohd. Samad** be released on bail in S.T. No. 352 of 2008, arising out of Case Crime no. Nil of 2008, under Sections 41/102 and 413 I.P.C., P.S. Mudhapandey, district-Moradabad on his furnishing a personal bond with two fresh sureties of Rs.30,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 8.11.2023

Faridul