

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48760 of 2023

Applicant :- Mohd Wasi

Opposite Party :- State of U.P.

Counsel for Applicant :- Krishna Kant Dubey, Santosh Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant who has filed supplementary affidavit which is taken on record, 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.0194 of 2020, under Sections 323, 324, 308, 452, 504, 506 IPC, Police Station Dhaulana, District Hapur, during the pendency of trial.
3. Learned counsel for the applicant submits that the incident occurred on account of sudden provocation in which both sides have sustained injuries. The applicant is a 70 years old person who has also received injuries. He further contends that the proceedings against the co-accused persons have already been stayed vide order dated 29.11.2023 passed in Application U/S 482 No.32705 of 2023. There is criminal history of one case against the applicant which has been explained in paragraph-2 of the supplementary affidavit. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 04.25.10.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant, from the record.
5. Having regard to the facts, circumstances, the submissions made and the age of the applicant 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.
6. Let the applicant - **Mohd Wasi**, involved in the aforesaid

case 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 :- 1.12.2023

Shahroz