

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49714 of 2023

Applicant :- Saud @ Shahzad @ Saij

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Shaafi, Shujauddin

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri S.F. Hasnain appearing on behalf of Sri Shujauddin, 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. 660 of 2023, under sections 363, 366 IPC, Police Station Bistrakh, District Gautam Budh Nagar, during the pendency of trial.

3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. The victim has denied the allegation in her statement recorded under sections 161 and 164 Cr.P.C. She has not undergone for medical investigation. No internal medical examination of her person has been done. The victim has stated that she herself left her parents house and she went with the accused and also stated that the applicant has not committed any bad deed with her. It is lastly contended that the applicant is in jail since 17.08.2023. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 17.08.2023. In case the applicant 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, **Saud @ Shahzad @ Saij**, 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 :- 13.12.2023

RPD