

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51061 of 2023

Applicant :- Noor Alam

Opposite Party :- State of U.P.

Counsel for Applicant :- Sonia Kulshreshtha, Ram Lakhan Deobanshi

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Shri Ram Lakhan Deobanshi, learned counsel for the applicant, Shri Pradeep Kumar, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.0258 of 2023, under Sections 323, 504, 506, 304 I.P.C., Police Station Thariyaon, District Fatehpur, during pendency of the trial in the court below.
3. FIR of the present case was lodged on 14.09.2023 against applicant and three others and according to the FIR, on 02.09.2023 at about 4:00 in the afternoon applicant and other accused persons made assault upon the wife of the informant through wooden sticks and kicks and fists and due to the assault made by them, she sustained injuries and during treatment she died.
4. Learned counsel for the applicant submits that entire allegation made against the applicant is totally false and baseless and applicant never participated in the alleged crime and on the basis of general and omnibus allegation, he has been made accused in the present matter.
5. He further submits that from the post-mortem report of the deceased, it appears that deceased sustained two injuries on her

head but it is not on record that applicant is the author of these injuries.

6. He further submits that actually applicant is the son-in-law of the deceased and matrimonial dispute is pending between both the sides and only due to this reason, applicant has been made accused in the present matter.

7. He next submits that applicant is not having any criminal history and he is in jail in the present matter since 16.09.2023, therefore, he may be released on bail.

8. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that only general role has been attributed to all the accused persons including applicant and applicant is son-in-law of the deceased and matrimonial dispute is pending between both the sides.

9. I have heard learned counsel for both the parties and perused the record of the case.

10. Considering the fact that only general role has been attributed to all the accused persons including applicant and applicant is son-in-law of the deceased and matrimonial dispute is pending between both the sides, in my view, applicant is entitled to be enlarged on bail.

11. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

12. Let the applicant- **Noor Alam**, be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

13. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

14. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 29.11.2023
Zafar