

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50391 of 2023

Applicant :- Pravej @ Mallu

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Kumar Tiwari, Sanjay Kr. Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
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. 515 of 2019 under Sections 147, 148, 149, 307, 323, 504, 506 I.P.C., Police Station- Kotwali Nagar, District- Muzaffar Nagar, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. It is contended that in the alleged that in the alleged incident, no person has received injury case. The role of firing has been assigned to co-accused. The only role assigned to the applicant is that he was also present with the accused persons. It is also contended that the Sessions Court has rejected the bail application of the applicant only on the basis of criminal history of the applicant and in that regard, it is contended that merely on the basis of criminal history, if a bail is liable to be allowed, same should not be rejected. It is next contended that the co-accused Akram having identical role, has been granted bail by the Sessions Court itself. The criminal history of the applicant has been explained in para 3 of the supplementary affidavit. The applicant is in jail since 9.9.2023, in case he is enlarged on bail, he will not misuse the said liberty.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the submissions made above and the fact that the applicant has remained confined for three months, and the co-accused has been enlarged on bail, more so when no reasonable

apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper 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- **Pravej @ Mallu**, involved in 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 :- 12.12.2023

S.Verma