

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50538 of 2023

Applicant :- Shalu Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Samiuzzaman Khan, Saddam Husain

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Mohd. Samiuzzaman Khan, 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.262 of 2023, under Section 323, 504, 326 IPC, Police Station Kotwali, District Kanpur Nagar, during the pendency of trial.
3. Learned counsel for the applicant has argued that the applicant has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. It is further contended that the informant in collusion with the local police has concocted a false story leveling false allegation of causing injury to the injured on her head but the injury was on her neck, therefore, it can be argued that there is contradiction in the contents of the FIR and the injury report. The applicant has grown up children for which no one to look after them. It is also contended that he cannot imagine even to harm his niece. The informant is a muscle woman and has strong connection with the local goondas. There is no previous criminal history against the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 27.10.2023. In case he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA has vehemently opposed the bail application but he could not dispute the submission advanced on behalf of the counsel for the applicant.
5. Having regard to the facts, circumstances and the submissions made 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 - **Shalu Khan**, 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 :- 28.11.2023

Shahroz