Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 13146 of 2023

Applicant :- Raisuddin
Opposite Party :- State of U.P.
Counsel for Applicant :- Mohammad Zakir
Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.

2. Heard Sri Mohammad Zakir, learned counsel for the applicant and Sri Arun Kumar Mishra, learned A.G.A. for the State as well as perused the record.

3. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.425 of 2023 registered under Sections 498A, 304B IPC and 3/4 D.P. Act at Police Station- Khurja Nagar, District Bulandshahr with a prayer to enlarge him on anticipatory bail.

4. Learned counsel for the applicant has submitted that co-accused person Shamshad has already been granted anticipatory bail by Co-ordinate Bench of this Court vide order dated 07.12.2023 passed in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No.13195 of 2023. Therefore, the present applicant is also entitled for anticipatory bail on the ground of parity. There are no criminal antecedents of the applicant. Learned counsel for the applicant undertakes that he will cooperate in the trial failing which the State can move appropriate application for cancellation of the anticipatory bail.

5. The prayer for anticipatory bail has been vehemently opposed by learned A.G.A. However, the aforesaid factual aspect of the parity to the co-accused has not been disputed by him.

6. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, pending trial and in light of the judgement passed by this Court in ***Nanha S/o Nabhan Kha vs. State of U.P., 1993 Crl.L.J. 938*** and the judgement passed by the Apex Court in ***Paras Ram Vishnoi vs. The Director, Central Bureau***

of Investigation, MANU/SCOR/22410/2021, without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for anticipatory bail. The anticipatory bail application is **allowed** on the ground of parity.

7. In view of the above, the anticipatory bail application of the applicant is allowed. Let the accused-applicant- **Raisuddin** be released forthwith in the aforesaid case crime (supra) on anticipatory bail till the conclusion of trial 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). that the applicant shall make himself available for interrogation by a police officer as and when required;
(ii). that the applicant shall not, directly or indirectly make any 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 to any police officer or tamper with the evidence;
(iii). that the applicant shall not leave India without the previous permission of the court;
(iv). that in case charge-sheet is submitted the applicant shall not tamper with the evidence during the trial;
(v). that the applicant shall not pressurize/ intimidate the prosecution witness;
(vi). that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;
(vii). that in case of breach of any of the above conditions the court concerned shall have the liberty to cancel the bail.

8. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and shall not affect the trial.

Order Date :- 08.12.2023
Ravi Kant

(Krishan Pahal, J.)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad