

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5510 of 2023

Applicant :- Nurudeen

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Neeraj Kumar Saxena, Gaurav Saxena, Himanshu Kumar Trivedi, Imran Asim Khan, Jushi Saxena, Lalla Chauhan, Rajni Saxena, Raman Kumar, Rehan Ahmad Siddiqui, Rishi Saxena, Sanket Pandey, Seena Saxena, Sukhmani Singh, Tushar Gaur

Counsel for Opposite Party :- G.A., Masood Ali, Mohammad Airaj Siddiqui, Ramakar Shukla

Hon'ble Mohd. Faiz Alam Khan, J.

1. Heard Mr. Alisha Farooqui, Advocate, holding brief of Mr. Rehan Ahmad Siddiqui, learned counsel for the accused-applicant, Mr. Ramakar Shukla, learned counsel for the complainant/informant, as well as learned A.G.A. for the State and perused the record.

2. This bail application has been moved by the accused/applicant-**Nuruddeen** for grant of bail in Case Crime No.0094 of 2022, under Sections 147, 323, 504, 506, 302 and 307 IPC lodged at Police Station Lalia, District Balrampur, during trial.

3. Learned counsel for the accused-applicant, while pressing the bail application, submits that the applicant has been falsely implicated in this case and, he has not committed any offence, as claimed by the prosecution. It is further submitted that general role of carrying sharp-edged-weapons have been assigned to all the accused persons named in the FIR, however, subsequently some more accused persons have been added by the prosecution witnesses, which belies the whole prosecution story. It is also submitted that the injuries sustained by the deceased are not corroborating with the ocular version of the incident and the FIR as well as the statements of the prosecution witnesses are completely silent on the point as to what weapon was carried by whom. It is further submitted that since three injured persons, namely, Khursheed, Ibrar and Mohammad Kaif are shown to have sustained minor injuries of simple nature, the prosecution story becomes doubtful. The applicant is languishing in jail in this case since 03.07.2022 and the trial has not yet started and there is no apprehension that after being released on bail the applicant may flee from the course of law or may otherwise misuse the liberty.

4. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed a heinous offence and, therefore, he is not entitled to be released on bail.

5. Learned counsel for the complainant/informant, while drawing attention of this Court towards the fact that the bail plea of one of the co-accused, namely, Sufiyan has already been rejected by the coordinate Bench of this Court, vehemently opposes the prayer of bail of the applicant on the ground that the specific role of assault with sharp-edged-weapons has been assigned to the applicant and other accused persons. The deceased has sustained as many as five injuries which may be attributed to the sharp-edged-weapons and keeping in view the brutality with which the deceased has been done to death, the applicant is not entitled to be released on bail.

6. Having heard learned counsel for the parties and having perused the record, it is reflected that in the FIR as well as in the statements of the prosecution witnesses, including three injured, namely, Kharsheed, Ibrar and Mohammad Kaif specific role of assault has been assigned to the applicant and other accused persons. The postmortem report of the deceased would reveal that he had sustained as many as five injuries of the nature of incised wounds and stab wounds and cause of death has been ascertained shock and hemorrhage as a result of antemortem injuries. *Prima facie*, the oral allegations find corroboration with the medical evidence. Having regard to all the facts and circumstances of the case and totality of the role which has been assigned to the applicant, I do not find any good ground on the basis of which the facility of bail may be extended to him.

7. In result, the bail application moved on behalf of the applicant - **Nuruddeen** is hereby **rejected**. However, the trial Court is directed to conclude the trial with utmost expedition without providing soft adjournments to either of the parties and adhering to the provisions contained in Section 309 CrPC.

8. Let a copy of this order be immediately forwarded to the trial Court concerned for compliance and, **if the trial is not concluded within six months from today or all witnesses of fact are not examined, whichever is earlier**, the applicant may renew his prayer for bail before this Court again.

[Mohd. Faiz Alam Khan, J.]

Order Date :- 22.11.2023MVS/-