

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12541 of 2023

Applicant :- Niyaz

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

Counsel for Applicant :- Ayush Tandon,Pranjal Krishna

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Pranjal Krishna learned counsel for the applicant, Sri Parul Kant, learned A.G.A.-I for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.0088 of 2023, under Sections 387, 222, 186, 506, 201, 120-B, 195-A, 34, 451, 511 I.P.C. and Section 8 of Prevention of Corruption Act, 1988 and Sections 42 (b), 54 of Prisons Act, 1894 and Section 7 Criminal Law (Amendment) Act, 2013, registered at Police Station Karvi Kotwali Nagar, District Chitrakoot.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.02.2023 against six named accused persons, including the applicant alleging that co-accused Nikhat Bano, wife of a prisoner Abbas Ansari, used to visit Chitrakoot jail frequently without any restriction. It is alleged that aforesaid prisoner was threatening the witnesses and the officers concerned with the prosecution, through the mobile phone of his wife Nikhat Bano. The applicant is said to be the driver of co-accused Nikhat Bano.

4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case.

5. The applicant's involvement in Case Crime No.722 of 2016, under Sections 147, 148, 149, 323, 504, 506, 393 IPC, Police Station Suhwal, District Ghazipur has been disclosed in para 31 of the affidavit filed in support of application in which he has been granted bail vide order dated 25.06.2016 passed by the Chief Judicial Magistrate, Ghazipur.

6. Except co-accused Abbas Ansari and the applicant, all the other co-accused persons have been granted bail. The bail

application of Nikhat Bano had been rejected by this Court but she has been granted bail by Hon'ble Supreme Court.

7. The learned A.G.A. has filed counter affidavit opposing the the prayer for bail.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that co-accused persons have already been granted bail in the present case and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicants on bail in the aforesaid crime.

9. Accordingly, this bail application stands **allowed**.

10. Let the applicant-**Niyaz** 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 magistrate/court concerned, subject to following conditions:-

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 20.11.2023

Renu/-