

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14210 of 2023

Applicant :- Siraj Ahmad

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home, Lko.

Counsel for Applicant :- Syed Ahmad Mehdi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Syed Ahmad Mehdi, learned counsel for the applicant, Sri G.D. Bhatt, learned A.G.A. for the State and Sri Alok Pandey, learned counsel for the informant and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.209 of 2023, under Sections 302, 120B, 201 I.P.C., registered at Police Station Tarun, District Ayodhya.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.08.2023 against two persons, not including the applicant, stating that the informant's father was having a civil dispute with one of the named accused persons, Nausad Ali, regarding which a suit had been filed, which has been decreed in favour of the informant's father and an appeal filed by the named accused Naushad Ali is pending. Because of the aforesaid animosity, Naushad Ali has entered into a conspiracy with his son Jubail Ahmad under which Jubair Ahmad ran over the applicant's father with his four wheeler vehicle. FIR states that the incident was witnessed by deceased's wife and son besides some other persons. Subsequently, the applicant has been implicated in the present case on the basis of custodial statement of the named accused person, who stated that the applicant was also involved in making a plan for commission of the offence.

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. Applicant' involvement in another case bearing

Case Crime No.213 of 2023 under Section 307 IPC, 3/25, 5/27 Arms Act, Police Station Tarun, Distict Ayodhya has been disclosed in the affidavit in which he has already been granted bail.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR alleges that the victim was ran over by the named accused persons Jubair Ahmad which was witnessed by the victim's wife, son and some other person; the applicant has been implicated subsequently on the basis of custodial statement of a co accused person stating that the applicant was involved in making the plan for the offence, no incriminating material has been recovered from the applicant, 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 applicant on bail in the aforesaid crime.

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

8. Let the **applicant**-Siraj Ahmad be released on bail in aforementioned 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 :- 4.12.2023
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