

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14510 of 2023

Applicant :- Nooruddin

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

Counsel for Applicant :- Deo Prakash Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Deo Prakash Mishra, the learned counsel for the applicant, Sri Punit Kumar Yadav, the learned counsel for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.150 of 2017, under Sections 307, 506 I.P.C., registered at Police Station Hanswar, District Ambedkar Nagar.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.11.2017 against four persons, including the applicant, alleging that because of an old animosity the accused persons came to the informant's house and on the exhortation of co-accused Ashfaq another co-accused Rizwan gave several blows with a knife upon one Shaishta Anjum. It is stated that the applicant and another co-accused persons Shamshad Ahmad also came there and exhorted the aforesaid co-accused that he should not leave her alive.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history. The co-accused Rizwan against whom the allegation of making assault with a knife has been levelled has already been granted bail by means of an order dated 10.05.2018, passed by this

court in Criminal Misc. Bail Application No.3539 of 2018. Another co-accused person Shamshad has also been granted bail by this court by means of an order dated 06.11.2023, passed in Criminal Misc. Bail Application No.13070 of 2023.

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 applicant has no previous criminal history and he is languishing in jail since 06.10.2023 and that two of the co-accused persons have already been enlarged on bail by this court 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 also on bail in the aforesaid crime.

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

8. Let the **applicant-Nooruddin** 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.

(Subhash Vidyarthi, J.)

Order Date :- 8.12.2023
Ram.