

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13140 of 2024

Applicant :- Ikrar Ali

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

Counsel for Applicant :- Devam Shukla,Dilip Mani,Sumit Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Dilip Mani, learned counsel for the applicant and Ms. Rafiya Farooqui, learned Additional Government Advocate for the State.

2. As per learned counsel for the applicant, the present applicant is languishing in jail since 6.10.2024 in Case Crime No.0261/2024, under Sections 137 (2), 87 of B.N.S., 2023, Police Station - Aasivan, District - Unnao.

3. Learned counsel for the applicant has submitted that the present applicant has falsely been implicated in this case as he has not committed any offence as alleged in the prosecution story. Attention has been drawn towards Annexure No.3, recorded under Section 180 of B.N.S.S., 2023, which is the statement being given by the prosecutrix wherein she has not leveled any allegation against the present applicant. She has stated that since she was annoyed with her parents, therefore, she had gone to Lucknow without intimating her parents. Co-accused Salman @ Abhishekh is the main accused in this case and he has been granted bail by this Court on 23.11.2024 vide Criminal Misc. Bail Application No. 12230 of 2024. The applicant is friend of the main accused. Learned counsel for the applicant has submitted that since the prosecutrix has been recovered and has not leveled any allegation against the applicant, therefore, he may be enlarged on bail. The present applicant has no previous criminal history and the charge sheet has been submitted in the case.

4. Learned counsel for the applicant has undertaken on behalf of the present applicant that the applicant shall not

misuse the liberty of bail, if so granted by this Court and shall abide by all terms and conditions of the bail order and shall cooperate with the trial proceedings.

5. Learned Additional Government Advocate has, however, opposed the prayer for bail but he has not disputed the aforesaid submission of learned counsel for the applicant.

6. Therefore, without entering into the merits of the issue and considering the fact that in the statement recorded under Section 180 of B.N.S.S., the prosecutrix has not leveled any allegation against the present applicant, she has stated that since she was annoyed with her parents, therefore, she had gone to Lucknow without intimating her parents, co-accused Salman @ Abhishekh is the main accused in this case and he has been granted bail by this Court on 23.11.2024 vide Criminal Misc. Bail Application No. 12230 of 2024, applicant is friend of the main accused, the prosecutrix has been recovered and has not leveled any allegation against the applicant, the present applicant has no previous criminal history, the charge sheet has been submitted in the case and the undertaking of the applicant that he shall cooperate in the trial proceedings and shall not misuse the liberty of bail, if granted, I find it a fit case for bail. Accordingly, the bail application is **allowed**.

7. Let the applicant (**Ikrrar Ali**) be released on bail in the aforesaid case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions :-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of the B.N.S., 2023.

(iii) In case, the applicant misuses the liberty of bail during trial and

in order to secure his presence proclamation under Section 84 of B.N.S.S., 2023 is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 208 of the B.N.S., 2023.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S., 2023. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

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(Rajesh Singh Chauhan, J.)

Order Date :- 19.12.2024

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