Court No. - 76

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38965 of 2020

Applicant :- Abdul Furqan Khan
Opposite Party :- State of U.P.
Counsel for Applicant :- Irshad Ahmad
Counsel for Opposite Party :- G.A.,Sunil Kumar Singh

Hon'ble Ajit Singh,J.

Heard learned counsel for the applicant, learned counsel for the informant, learned A.G.A. for the State and perused the material on record.

By means of this application, the applicant who is involved in Case Crime No. 0451 of 2020, under Section 302 I.P.C., P.S. Hassanpur, district-Amroha is seeking enlargement on bail during the trial.

It is submitted by learned counsel for the applicant that applicant was not named in the first information report. His name as an accused in the present case surfaced for the first time in the statement of informant Uzma only on the basis of suspicion. Further submission is that other co-accused Mohd. Aqil and Shajev, who were named in the FIR have already been granted bail by another Bench of this Court vide order dated 19.11.2020 passed in Criminal Misc. Bail Application No. 35588 of 2020, and hence the applicant, whose case stands on a better footing than that of the co-accused, Mohd. Aqil and Shajev, is entitled to be enlarged on bail on merits as well as on parity.

The prayer for bail has vehemently been opposed by learned A.G.A., as well as learned counsel for the informant. However, the aforesaid factual aspect of the matter has not been disputed by him.

Considering the submissions made by learned counsel for the applicant as well as learned A.G.A., this Court is of the view that the applicant has made out a case for grant of bail on the ground of parity.

In view of the above, let the applicant, **Abdul Furqan Khan** be released on bail in the aforesaid case on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned with the following conditions :-

1. The applicant will continue to attend and co-operate in the trial pending

before the court concerned on the date fixed after release.

2. He will not tamper with the witnesses.

3. He will not indulge in any illegal activities during the bail period.

It is further directed that the identity, status and residence proof of the sureties be verified by the authorities concerned before they are accepted.

In case of breach of any of the above conditions, the trial court will be at liberty to cancel the bail.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad, self attested by learned counsel for the applicant along with a self attested identity proof of the said persons (preferably Aadhar Card) mentioning the mobile number (s) to which the said Aadhar Card is linked before the concerned Court/Authority/Official.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 26.11.2020
Faridul