Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43421 of 2020

Applicant :- Tahrimun Nisha
Opposite Party :- State of U.P.
Counsel for Applicant :- Pradeep Kumar
Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Joshi,J.

Heard Sri Pradeep Kumar, learned counsel for the applicant, learned A.G.A for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with a prayer to release her on bail in Case Crime No. 529 of 2020, under Sections- 323, 324, 307 and 504 IPC, Police Station- Kotwali, District- Maharajganj, during pendency of trial.

It is submitted by learned counsel for applicant that applicant is innocent and falsely implicated in the present case. It is further submitted that the main role of assault to the injured has been assigned to the co-accused Fakhruddin, role of abusing only has been assigned to the applicant, which is apparent from the contents of the FIR as well as statements of the injured. The applicant being a lady of 60 years old is entitled to the benefit of Section 437 Cr.P.C. The applicant is in jail since 2.11.2020 and has no criminal history and if she is released on bail, there is no chance of her absconding or misusing the liberty of bail or tampering with the prosecution witnesses.

Learned A.G.A. has opposed the bail prayer of the applicant but could not dispute the aforesaid fact.

Keeping in view the nature of the offence, argument advanced on behalf of the parties, spreading of novel corona virus in jails, evidence on record regarding complicity of the accused, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of ***Dataram Singh Vs. State of U.P. and another reported in (2018)3 SCC 22*** and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, **Tahrimun Nisha** who is involved in the aforesaid case crime number be released on bail on her furnishing a personal bond and two sureties each in the like

amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.

2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad. The concerned Court shall verify the authenticity of such computerized copy of the order from the official website of High Court, Allahabad.

Order Date :- 8.12.2020
Akbar