<u>**Court No. - 7**</u>

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 24374 of 2022
Applicant :- Afroj
Opposite Party :- State of U.P.
Counsel for Applicant :- Ashish Singh,Akhilesh Srivastava
Counsel for Opposite Party :- G.A.

<u>**Hon'ble Ajay Bhanot,J.**</u>

This is a second bail application.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 23 of 2022 at Police Station- Sector 63, Noida, District- Gautam Budh Nagar under Sections 147, 148, 149, 323, 324, 365, 342, 506, IPC and Section 67 of the Information Technology Act. The applicant is in jail since 10.02.2022.

The first bail application of the applicant was rejected by this Court on 07.05.2022.

Shri Saksham Srivastava, learned counsel for the applicant contends that the applicant has been falsely implicated in the instant case. Learned counsel for the applicant further submits that the first informant as well as the injured victim PW-3 in their testimonies before the trial court have deposed that they had not seen the applicant during the incident. He did not participate in the assault. Learned counsel for the applicant also claim congruency in role and seeks parity in relief granted to co-accused namely Shadab Khan and another, Raja, Saleem Pasha, who have been enlarged on bail by this Court on 18.05.2022 in

Criminal Misc. Bail Application No. 16090 of 2022, on 20.05.2022 in Criminal Misc. Bail Application No. 18648 of 2022, on 24.05.2022 in Criminal Misc. Bail Application No. 15480 of 2022, respectively. Learned counsel for the applicant contends that the applicant does not have any criminal history apart from the instant case. The applicant is not a flight risk and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

Shri Paritosh Kumar Malviya, learned AGA for the State and Sri Jitendra Singh, learned counsel for the informant could not satisfactorily dispute the aforesaid submissions from the record. Learned AGA does not contest the criminal history of the applicant as disclosed in the bail application.

I see merit in the submissions of the learned counsel for the applicant and hold that the applicant is entitled to be enlarged on bail.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Afroj be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not influence any witness.

(iii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv) The applicant shall not directly or indirectly make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court to any police officer or tamper with the evidence.

In case any averment made in the bail application or the submissions during the argument are found to be false or in case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 29.8.2022
Pravin