

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 58724 of 2022

Applicant :- Abid Sultan

Opposite Party :- State of U.P.

Counsel for Applicant :- Piyush Shukla, Pratyush Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Syed Waiz Mian, J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record of the present bail application.

The present bail application has been filed by the applicant- Abid Sultan with a prayer to enlarge him on bail in Case Crime No.123 of 2022, under Sections 354-D, 506, 467, 468, 471 I.P.C. & Section 67 of the Information Technology Act, Police Station Jajmau, District Kanpur Nagar.

Learned counsel for the applicant has submitted that applicant has been falsely implicated in the present case; applicant is innocent person; he is nominated in the F.I.R.; no recovery has been made from the possession of the applicant; I.O. has not collected any evidence against the applicant; he has not committed any offence as alleged in the F.I.R.; there is no public or independent witness; learned counsel for the applicant has further submitted that applicant is having no criminal antecedents; learned counsel for the applicant has further submitted that there is no possibility of fleeing away from the judicial process or tampering with the witnesses and in case, the applicant is enlarged on bail, the applicant shall not misuse the liberty of bail. The applicant is in jail since 18.11.2022, hence, he is entitled to bail.

Learned A.G.A. has vehemently opposed bail.

Having heard learned counsel for both the parties, gone through the material placed on record and considering the nature of accusations, severity of the punishment in the case of conviction but without commenting on the merits of the case, a case for bail is made out, accordingly allowed.

Let the applicant, **Abid Sultan**, involved in above mentioned case crime number be released on bail on his executing a

personal bond and two reliable sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:

- (i) The applicant shall not tamper with the evidence.
- (ii) The applicant shall not indulge in any criminal activity.
- (iii) The applicant shall not pressurize/intimidate the prosecution witnesses and co-operate in the investigation of the trial.
- (iv) The applicant will appear regularly on each and every date fixed by the trial court unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

Order Date :- 3.1.2023

HR