

Allahabad High Court

Sarfraj vs State Of U. P. on 8 January, 2010

Court No. - 51

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 735 of 2010

Petitioner :- Sarfraj

Respondent :- State Of U. P.

Petitioner Counsel :- Dinesh Kumar Yadav, A. R. Nadiwal

Respondent Counsel :- Govt Advocate

Hon'ble Shashi Kant Gupta, J.

Heard learned counsel for the applicants, learned A.G.A. and perused the record.

It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated. It is further submitted that false recovery of one knife has been shown from the possession of the applicant. There is no public witness of the incident. It is further submitted that the applicant does not have any criminal history. The applicant is in Jail since 1-12-2009.

Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment and submissions of the learned counsel for the parties, I am of the view that the applicant has made out a case for bail. Let the applicant Sarfaraj involved in Case crime no. 515 of 2009 under sections 25/4 Arms Act, Police Station Gangoh district Saharanpur be released on bail 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 not tamper with the evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

(iii) The applicant will appear before the trial court on the date fixed.

(iv) The applicant shall report to the police station concerned in the first week of each month to show his good conduct and behaviour. In case of breach of any of the above mentioned conditions the court below shall be at liberty to cancel the bail.

Order Date :- 8.1.2010 IA