

Kalamuddin Ansari @ Doka vs State Of U.P. on 14 May, 2024

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:86207

Court No. - 71

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15744 of 2024

Applicant :- Kalamuddin Ansari @ Doka

Opposite Party :- State of U.P.

Counsel for Applicant :- Vinod Kumar Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur), J.

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

This application has been moved on behalf of applicant- Kalamuddin Ansari @ Doka with the prayer to release him on bail in Case Crime No.509 of 2020, under Sections 363, 364(A), 120B, 34, 323, 342 I.P.C., Police Station- Pateharawa, District- Kushinagar.

It is argued by the learned counsel for the applicant that the applicant is not named in the first information report. In the statement of co-accused Deepak Gond, his name has been surfaced among the persons, who kidnapped the son of the first informant. The kidnapped boy aged 7 years is said to have recovered on the next day. He has not been recovered from the possession of the applicant. Co-accused Yashwant Kushwaha, who is said to have dropped the boy and co-accused Deepak Gond, in whose statement the name of the applicant was disclosed, have been granted bail by the co-ordinate Benches of this Court. There is no criminal history to the credit of the applicant. The applicant is languishing in jail since 02.01.2021, hence, the prayer for bail is made.

Learned A.G.A., however, opposed the prayer for bail.

From the perusal of the record, it is found that the applicant is neither named in the first information report, nor the kidnapped child has been recovered from the possession of the applicant. The name of the present applicant was surfaced in the statement of co-accused Deepak Gond. The child is said to have been dropped by co-accused Yashwant Kushwaha. Both these co-accused persons have been granted bail by the co-ordinate Benches of this Court. The applicant is languishing in jail since 02.01.2021.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant- Kalamuddin Ansari @ Doka, who is involved in aforesaid crime 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 subject to following conditions:-

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. The applicant will not tamper with the witnesses.
3. The applicant will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison.

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.

Order Date :- 14.5.2024 Radhika