

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41719 of 2018

Applicant :- Shadab @ Shahzad @ Bhoora

Opposite Party :- State Of U.P.

Counsel for Applicant :- Syed Faiz Hasnain, Saba Khan

Counsel for Opposite Party :- G.A.

Hon'ble Ravindra Nath Kakkar, J.

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

The present bail application has been filed for enlarging the applicant on bail in Case Crime No.767 of 2015, under Sections 147, 148, 149, 302, 120-B I.P.C., Police Station Civil Lines, District Moradabad.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. It is further submitted that the applicant is not named in the FIR and his name came into light during investigation and no incriminating material has been recovered from the possession of the applicant. He further submitted that the role of the applicant is identical to co-accused Firasat who has already been granted bail by this Court vide order dated 27.10.2017 passed in Crl. Misc. Bail Application No.41218 of 2017. He further submitted that other identically situate co-accused, namely, Chunni Lal, Salman, Shehzad, Asif, Johar Ali, Jameel @ Khaleel have also been granted bail by this Court vide orders dated 16.03.2018, 2.8.2017, 23.10.2017, 9.5.2017, 3.7.2017 and 6.11.2017 passed in Crl. Misc. Bail Applications No.11096 of 2017, 25939 of 2016, 38222 and 16649, 22967 of 2017 and 44301 of 2015 respectively. He further submitted that criminal history of the applicant has been explained in para 14 of the affidavit. It is lastly submitted that the applicant is languishing in jail since 29.09.2015.

Learned A.G.A. has, however, opposed the prayer for bail to the applicant but admitted the fact that co-accused, namely, Firasat, Chunni Lal, Salman, Shehzad, Asif, Johar Ali and Jameel @ Khaleel, having identical role, have already been granted bail by this Court.

Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on merits of the case, I am of the view that the applicant has made out a case for bail.

Let applicant Shadab @ Shahzad @ Bhoora be released on bail in the aforesaid case crime number on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned subject to the following conditions :-

- (i) The applicant shall not indulge in any criminal activity.
- (ii) The applicant shall not tamper with the prosecution evidence.
- (iii) The applicant shall not pressurize the prosecution witnesses.
- (iv) The applicant shall regularly appear on the dates fixed by the trial court unless his personal attendance is exempted by the trial court.

In case of default of any of the conditions enumerated above, it will be open to the opposite parties to approach the Court for cancellation of bail.

Order Date :- 31.10.2018

Anand Sri./-