

**Court No. - 87**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 30890 of 2018

**Applicant :-** Aasu @ Aas Mohammad

**Opposite Party :-** State Of U.P.

**Counsel for Applicant :-** Azaz Ahmad, Zia Naz Zaidi

**Counsel for Opposite Party :-** G.A.

**Hon'ble Suresh Kumar Gupta, J.**

Heard learned counsel for the applicant, 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 in the case due to matrimonial dispute. He further submits that the victim is wife of the applicant and marriage between the parties was registered one. No offence under Section 376 I.P.C. is made out against the applicant. The applicant is major and has no criminal history. He further submits that there are no chances of applicant's fleeing away from the judicial process or tampering with the prosecution evidence, and is in jail since 14.6.2018.

Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid fact as argued by the learned counsel for the applicant but contended that if the applicant is enlarged on bail, he may misuse the liberty of bail.

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 Aasu @ Aas Mohammad involved in Case Crime No. 643 of 2018, under Sections 366, 323, 504, 376, 120-B I.P.C., P.S. Khurja Nagar, District Bulandshahr be released on bail on 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 will not tamper with the evidence during the trial.
- (ii) The applicant will not pressurise/intimidate the prosecution witness.
- (iii) The applicant will appear before the trial court on the date fixed.

In case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail.

**Order Date :-** 31.7.2019

A. Pt. Singh