

Court No. - 76

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 29070 of 2020

Applicant :- Yusuf

Opposite Party :- State of U.P.

Counsel for Applicant :- Vishnu Murti Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Kumar Singh,J.

Heard learned counsel for the applicant, Sri Sanjay Singh, learned AGA-I for the State and perused the record.

The submission of learned counsel for the applicant is that the applicant has been falsely implicated in the present due to ulterior motive. Learned counsel for the applicant submits that applicant's case is at par with co-accused Nisar Ahmad who has been admitted to bail by this Court vide order dated 4.6.2020 passed in CrI. Misc. Bail Application No. 13201 of 2020. He claims parity. The applicant has properly explained criminal history in paragraph-11 of the affidavit filed in support of the bail application. The applicant is languishing in jail since 2.7.2020. He undertakes that he will not misuse the liberty, if granted, therefore, he may be released on bail.

Learned counsel appearing for the opposite party vehemently opposed the prayer but could not dispute the factual aspect of the matter.

Having heard submissions of learned counsel of both sides, considering nature of accusation, severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction in support of the charge, reformatory theory of punishment, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of **Dataram Singh v. State of U.P. and another, (2018) 3 SCC 22**, without expressing any view on the merits of the case, I find it to be a case of bail.

Let the applicant- **Yusuf** involved in Case Crime No. 115 of 2020, under Sections 286, 307 and 324 IPC, Police Station Sarai Aakil, District Kaushambi be released on bail, on his executing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, with the following conditions:

1. The applicant will attend and co-operate the trial proceedings

pending before the court concerned on the date fixed after release.

2. He will not tamper with the witnesses.

3. He 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 court below 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.

The party is permitted to file a computer generated copy of this order downloaded from the official website of Allahabad High Court before the court concerned, who shall verify the authenticity of such computerized copy of the order from the official website of Allahabad High Court and shall make a declaration of such verification in writing.

Order Date :- 30.9.2020

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