

**Court No. - 84**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 41688 of 2020

**Applicant :-** Mohammad Naushad

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

**Counsel for Applicant :-** Anand Kumar Srivastava, Manish Anand Singh, Rohit Nandan Pandey

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

**Hon'ble Ram Krishna Gautam, J.**

Heard Sri Rohit Nandan Pandey, learned counsel for the applicant and learned A.G.A.

By means of this application the applicant Mohammad Naushad has prayed to release him on bail in Case Crime No.1193 of 2018, under Sections 420, 430, 413, 432, 447 I.P.C. and Section 3 Prevention of Damages to Public Property Act, P.S.- Sector 49 Noida, District Gautam Buddh Nagar.

Learned counsel for the applicant argued that accused applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 21.08.2020. The applicant is of no criminal antecedent till implication in this case. Subsequently, an offence under Gangster Act has been implicated. The accusation against applicant and other two co-accused is of selling land belonging to Government and within river catchment area, whereas no such land was sold by applicant nor he is vendor nor vendee nor attesting witness rather he is the employee of main accused Chandra Pal. Chandra Pal is the person, who had sold those lands. Co-accused Riyajuddin, under similarly placed circumstances, has already been enlarged on bail by coordinate Bench of this Court in Criminal Misc. Bail Application No.2198 of 2020. There is no likelihood of applicant's fleeing from course of justice or tempering with evidence in case he is released on bail. Hence, bail has been prayed for.

Learned AGA has vehemently opposed the bail application but could not oppose the fact that applicant is of no criminal antecedent till implication in this case and co-accused, under similarly placed has been enlarged on bail, as above.

Having heard learned counsel for both the parties, gone through the material placed on record, nature of accusation, severity of punishment in case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the

witness, prima facie case and without commenting on merit of the case, a case for bail is made out.

Accordingly, the bail application is allowed.

Let the applicant, **Mohammad Naushad**, involved in above mentioned case crime number be released on bail on his executing a personal bond and two reliable sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court unless his personal appearance is exempted through counsel by the court concerned.
5. The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.
6. The computer generated copy of such order shall be self attested by the counsel of the party concerned.
7. The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

**Order Date :- 26.11.2020**

Radhika