

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 28436 of 2022

Applicant :- Musa And Another

Opposite Party :- State Of U.P. Through Secretary Home

Counsel for Applicant :- Mohammad Belal,Rajiv Sisodia

Counsel for Opposite Party :- G.A.,Akhilesh Kumar Mishra

Hon'ble Ajay Bhanot,J.

By means of this bail application the applicants have prayed to be enlarged on bail in Case Crime No.867 of 2007, S.T. No.567 of 2009 at Police Station-Hapur Nagar, District-Hapur under Section 302 IPC. The applicants are in jail since 27.05.2021.

The bail application of the applicants was rejected by learned Additional District and Sessions Judge, Fast Track Court-I, Hapur on 16.06.2022.

Shri Mohammad Belal, learned counsel for the applicants contends that the applicants have been falsely implicated in the instant case. One Inam Ilahi and Wahid have been identified as the principal offenders who discharged their firearms and shot dead the deceased. The applicants have not assigned the role of shooting. After investigation the involvement of the applicants was found to be false and hence, they were not charge-sheeted. The applicants always cooperated with the investigation and never tampered with any evidence. There is no possibility of the applicants

being convicted. Moreover, the co-accused- Amanulla, Parvej and Aslam have already been acquitted by the learned trial court.

Learned A.G.A. as well as Shri Devendra Kumar, learned counsel holding brief of Shri Akhilesh Kumar Mishra, learned counsel for the informant could not satisfactorily dispute the aforesaid submissions.

I see merit in the submissions of the learned counsel for the applicants and hold that the applicants are entitled to be enlarged on bail.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicants-Musa and Salman be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

(i) The applicants will not tamper with the evidence during the trial.

(ii) The applicants will not influence any witness.

(iii) The applicants will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv) The applicants shall not directly or indirectly

make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court to any police officer or tamper with the evidence.

In case any averment made in the bail application or the submissions during the argument are found to be false or in case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 29.7.2022

Ashish Tripathi