

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 31532 of 2022

Applicant :- Mohd. Saif Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Aftab Alam

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

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

The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.126 of 2022, registered under Sections 153-A, 295-A, 505(2), 509, 420 I.P.C. and Section 66 of I.T. Act, 2000, Police Station Charva, District Kaushambi during pendency of the trial.

Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case due to ulterior motive. Allegation in the FIR is that the applicant has tweeted the offensive language against the modesty of the women. He contended that the applicant had tweeted in reply to some very offensive and instigating tweets which was tweeted against a particular community. He next submitted that the applicant had not made aforesaid tweet intentionally to hurt any community. Applicant has not tweeted against any particular community or religion, hence, Section 153-A I.P.C. is not made out. Applicant has no previous criminal history. The applicant is languishing in jail since 06.06.2022. In case, the applicant is released on bail, he will not misuse the liberty of bail and co-operate in trial.

Learned A.G.A. has opposed the bail prayer of the applicant.

Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and without expressing any opinion on the merits of the case and the mandate laid down by Apex Court in the case of **Dataram Singh Vs. State of U.P. and another** reported in **(2018) 3 SCC 22**, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, **Mohd. Saif Ali**, who is involved in the aforesaid case crime, be released on bail on his furnishing a

personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.
3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Order Date :- 30.8.2022

Nitin Verma