

Court No. - 53

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1461 of 2023

Applicant :- Nizamuddin Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Navnath Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Ajit Singh,J.

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

By means of this application, the applicant who is involved in Case Crime No. 964 of 2022, under sections 295A, 109, 120B, 201 I.P.C. and section 13 of UAPA, P.S. Kwarsi, district-Aligarh, is seeking enlargement on bail during the trial.

Learned counsel for the applicant submits that the applicant is the State President of a political party namely, Social Democratic Party of India (SDPI) and there is no evidence on record, which could show that the applicant is involved in any anti national activity nor he hurt the religious sentiment of any community in any manner. He is absolutely innocent and has been falsely implicated in the present case with ulterior intention of harassing him. He lastly submitted that the applicant has no criminal history and he is languishing in jail since 27.9.2022 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

The prayer for bail has been vehemently opposed by learned A.G.A.

Keeping in view the nature of the offence, evidence, complicity of the accused, severity of the punishment, submissions of learned counsel for the parties, considering the law laid down in the case of ***Data Ram Vs. State of U.P. and others, 2018(3) SCC 22*** and without expressing any opinion on the merits of the case, this Court is of the view that the applicant is entitled to be enlarged on bail during pendency of the trial.

Let the applicant, **Nizamuddin Khan** involved in the aforesaid case be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

1. The applicant will continue to attend and co-operate in the trial 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.

It is further directed that the identity, status and residence proof of the sureties be verified by the authorities concerned before they are accepted.

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

Order Date :- 17.1.2023

Faridul