

Prayagraj Violence | Allahabad High Court Grants Bail To Accused-Student, In Jail Since June 2022

2022 LiveLaw (AB) 485

HIGH COURT OF JUDICATURE AT ALLAHABAD

RAJ BEER SINGH; J.

CRIMINAL MISC. BAIL APPLICATION No. 45548 of 2022; 02.11.2022

Mohd. Sajid versus State of U.P.

Counsel for Applicant:- Beni Madhav Pandey, Krishna Kumar Mishra, Ujair Sarfraj

Counsel for Opposite Party:- G.A.

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

It has been argued by learned counsel for the applicant that applicant is innocent and he has been falsely implicated in the present case. The first information report was lodged against 70 named and 5000 unknown persons, alleging that on 10.06.2022 after Friday namaz, the mob comprising accused persons, raised objectionable and inflammatory slogans against another religion committed riot and pelted stones and thereby damaged several properties and some police officials have sustained injuries. Learned counsel submitted that applicant is not named in the first information report. The applicant has been falsely implicated in this case during investigation, without there being any credible evidence against him. Referring to facts of the matter, it is submitted that involvement of applicant in the alleged incident, is highly disputed. No one has sustained any serious injury in the alleged incident. Further, similarly placed co-accused Aashif, Fazir Ali @ Fazil Ali and Faizan have already been granted bail by co-ordinate Benches of this Court, copy of which are available on record. Lastly, it was submitted that the applicant is languishing in jail since 12.06.2022 having no previous criminal history and that in case the applicant is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

Learned A.G.A. has opposed the prayer for bail.

Considering the submissions of learned counsel for the parties, nature of allegations, period of custody and all attending facts and circumstances of the case, without expressing any opinion on the merits of the case, the Court is of the view that a case for bail is made out. Hence, the bail application is hereby allowed.

Let the applicant Mohd. Sajid involved in Case Crime No. 176 of 2022, under Sections 143, 144, 145, 147, 148, 149, 153A, 153B, 295A, 307, 332, 336, 353, 435, 427, 504, 505(2), 506, 120B IPC and Section 3/4/5 Explosive Substances Act and Section 7 Criminal Law Amendment Act and Section 83 of Juvenile Justice Act and Section 3/4 of Prevention of Damages to Public Property Act, P.S. Kareli District Prayagraj, be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:

1. The applicant shall not tamper with the evidence during the trial.
2. The applicant shall not pressurize/ intimidate the prosecution witness.
3. The applicant shall appear before the trial court on the date fixed, unless personal presence is exempted.
4. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
5. The applicant shall not directly or indirectly make any 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 or to any police officer or tamper with the evidence.

In case of breach of any of the above condition, the Court below shall be at liberty to cancel bail of applicant in accordance with law.