

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 33710 of 2022

Applicant :- Nadeem Ansari

Opposite Party :- State of U.P.

Counsel for Applicant :- Dhirendra Kumar
Agrahari, Mohammad Zakir, Sudhir Mehrotra

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

Heard Sri Nanhey Lal Tripathi, Advocate holding brief for Sri Mohd. Zakir, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with a prayer to release him on bail in Case Crime No.146 of 2022, under Sections 153.A, 295.A, 505 (2) I.P.C. and Section 67 of Information Technology Act, 2008, P.S. Khanpur, District Bulandshahr, during pendency of trial.

The allegation against the applicant is that he tried to incite the communal tension while posting a video on face book and mobile showing to behead former BJP spokesperson Nupur Sharma.

Learned counsel for the applicant submitted that applicant is innocent and has falsely been implicated in the present case. There is no evidence of the alleged crime. It has next been argued that offence is triable by the Magistrate. There is one case of criminal history against the applicant which has been explained in para-5 of the affidavit filed in support of the bail application. The applicant is languishing in jail since 13.06.2022 and in case he is enlarged 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 larger mandate on the Article 21 of the Constitution of India, laid in **Satendra Kumar Antil Vs. C.B.I. & Another**, passed in S.L.P.(CrI.) No. 5191 of 2021, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, **Nadeem Ansari** 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 :- 12.9.2022

Meenu