

Court No. - 77

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 56050 of 2021

Applicant :- Mohammad Niyaz

Opposite Party :- State of U.P.

Counsel for Applicant :- Prashant Pandey, Pradeep Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Om Prakash Tripathi, J.

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

Learned counsel for the applicant contended that the applicant is innocent and he has been falsely implicated in the present case. Applicant has supported and posted Flag of the neighbouring country through Facebook I.D. Applicant is a labour class person. Applicant has never tried to create any social disturbance in the country. It is further submitted that applicant shall not indulge in such type of any anti-national activity. There is no criminal antecedent of applicant. The applicant undertakes that he will not misuse the liberty of bail. The applicant is in custody since 27.10.2021.

Per contra, learned A.G.A. opposed the prayer for bail but could not dispute the submission made by learned counsel for applicant.

Upon hearing learned counsel and perusal of record and considering the complicity of accused, severity of punishment as well as totality of facts and circumstances, at this stage without expressing any view on the merits of the case, this Court is of the opinion that it is a fit case for bail. Hence, the bail application is hereby allowed.

Let the applicant **Mohammad Niyaz** be released on bail in Case Crime No. 266 of 2021, under Section 124A I.P.C., Police Station- Faizganj Behta, District- Budaun, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

(i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

(ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant will not indulge in any unlawful activities.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever.

(v) The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

(vi) The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

Order Date :- 3.3.2022

Sharad/-