



UPLL010029792022

In the Court of Additional District & Sessions

Judge/Special Judge (E.C. Acts), Lalitpur.

BAIL APPLICATION NO.1386 OF 2022

**Mohsin Kureshi S/o Salim R/o Kasai Mandi, Police Station-
Kotwali, District-Lalitpur.**

.....ACCUSED

VERSUS

State of Uttar Pradesh

.....OPPOSITE PARTY

Crime No.605 of 2022

Under Sections 323, 327 of I.P.C.

Police Station-Kotwali

District-Lalitpur.

20.10.2022

This Bail Application No.1386 of 2022 of accused Mohsin Kureshi S/o Salim R/o Kasai Mandi, Police Station-Kotwali, District-Lalitpur in Crime No.605 of 2022 under Sections 323, 327 of Indian Penal Code, 1860 (hereinafter referred as I.P.C.), Police Station-Kotwali, District-Lalitpur.

Learned counsel for accused has submitted that accused is innocent and has been falsely implicated in the present matter. Neither accused beat the complainant nor demanded money. Counsel for accused has further submitted that there is no independent eyewitness of the alleged offence and all the witnesses are known to complainant. There is delay in lodging FIR. No serious injuries were found upon the body of the injured. There is no criminal history of accused. Arguing above submissions learned counsel for accused has prayed to enlarge the accused on bail on such terms and conditions as the court may think fit.

The Learned Additional District Government Counsel (Criminal) has opposed the bail application and has stated that after granting bail accused can misuse the liberty hence accused should not be enlarged on bail.

Heard and perused the record.

Prosecution story in brief is that complainant Mehmud Khan is the resident of District Jhansi and was running his shoes shop in mela. About 8-9 months ago complainant met Javed Khan and on 09.09.22 Javed Khan called complainant on phone and told that came to Lalitpur and he would arrange shop of shoes for him in Mehrauni. Complainant agreed, arranged Rs.38,500/-and reached Lalitpur at 04:30 PM with his friend Sonu and around 7:00 PM Javed Khan, Mohsin Kureshi, Wasim, Kanje were together. Complainant asked Javed Khan to show the shop but Javed Khan did not show the shop. Javed and Mohsin Kureshi went along with complainant and asked the money for liquor. When complainant asked them to show him the shop then they along with complainant went to a lonely place on scooty and beat the complainant for not giving money. Complainant got injuries on head and body. After that treatment of complainant was done by someone. Complainant reached Jhansi and told the whole incident to his wife and friend Sonu. Complainant approached police station to lodge report.

In present case it is alleged against the accused that for extortion of money he with other accused caused injuries by using lathi(stick). Prosecution opposed the bail on the ground of previous criminal history of accused as per the prosecution following cases are registered against the accused:-

1. Crime No.536/19 u/s 308, 323, 325, 504, 506 of IPC, P.S.-Kotwali,
2. Crime No.1373/18 u/s 394, 412 of IPC, P.S.-Kotwali,
3. Crime No.615/19 u/s 302, 34, 404 of IPC, P.S.-Kotwali,
4. Crime No.617/19 u/s 4/25 of Arms Act, P.S.-Kotwali.

Criminal history of accused has been produced by the prosecution but it is well settled law that mere criminal history cannot be the ground

of dismissal of bail application. In present case accused is detained in jail. Role of accused in the offence is similar to co-accused, whose bail was granted by this court earlier. Considering the facts and circumstances of the case without going into the merits of the case, I am of the considered opinion that applicant/accused is entitled to be released on bail subject to conditions. Accordingly bail application of accused is allowed conditionally.

ORDER

This Bail Application No.1386 of 2022 of accused **Mohsin Kureshi S/o Salim** R/o Kasai Mandi, Police Station-Kotwali, District-Lalitpur in Crime No.605 of 2022 under Sections 323, 327 of I.P.C., Police Station-Kotwali, District-Lalitpur is allowed on following conditions:-

1. The applicant/accused shall appear whenever required by the I.O. of this case.
2. The applicant shall not tamper with the prosecution evidence and shall not threaten the witnesses of this case.
3. The applicant will appear personally or through his counsel on each date before the court.
4. The applicant shall not go beyond the jurisdiction of this court without permission of the court. If he possess of valid passport then he will deposit it within 7 days of his release and if he has no passport then he will execute personal bond in this regard that if passport is issued to him he will deposit it with the court.
5. During the period of investigation/trial accused shall refrain himself from being involved in any kind of illegal or anti-social activities.

Let the accused be released on bail on furnishing P.B. of Rs.50,000/- and two sureties each of like amount, after verification, subject to the satisfaction of Magistrate Court.

(Lokesh Kumar)

Dated:20.10.2022

Additional District & Sessions Judge/
Special Judge (E.C. Act)
Lalitpur.