



In the Court of Sessions Judge, Gautam Budh Nagar
Present: Avnish Saxena, H.J.S.
J.O.Code No. UP06527
Anticipatory Bail No.7606/2022
Ayub, Tayub, Fatte, Nannhe
Vs.
State of U.P.
ORDER

I	Name of applicant/accused and father’s name	Ayub S/o Balla, Tayub S/o Balla, Fatte @ Asif S/o Askali, Nannhe S/o Babu
II	Case crime no.	36/2022
III	Police Station	Rabupura
IV	Offence under sections	147, 148, 149, 452, 323, 325, 504,506 IPC
V	Magistrate triable or Sessions triable	Magistrate triable
VI	Date and time of registration of FIR	27.02.2022, 19:35 Hrs
VII	Date and time of occurrence	27.02.2022, 11:15 Hrs

- 1.** Heard the learned counsel for the applicants, learned DGC (Criminal) and perused the record.
- 2.** It is submitted by the learned counsel for the applicants that accused/applicants have been falsely implicated in the present case; accused/applicants are innocent and law abiding citizens; accused/applicants have not committed any crime regarding the present matter; the present FIR has been register to put pressure on accused/applicants; charge-sheet has already been filed, hence the accused are entitled to be enlarged on anticipatory bail.
- 3.** Per contra learned ADGC (Criminal) has opposed the bail of accused/applicants and stated that accused were involved in the present case, hence they are not entitled to be enlarged on anticipatory bail.
- 4.** The prosecution case, in brief is such that as per the FIR registered by informant Smt Sangeeta that today time about 11.30 hrs Ayub, Tayub, Hakiquat, Hasnu, Tarikh, Sabuddin S/o Babu, Sonu S/o Jarif, Nanhe, Taj Mohammed, Fateh, Sabuddin S/o Hasan, Hasan, Kalu, Salim, Aas Mohammed, Sonu S/o Raunak with 10-12 unknown persons armed with lathi and danda forcefully entered into the house of informant abused and beat her husband, her nephews Jony, Rahul etc,

in which informant's husband and nephews are badly injured. The above mentioned persons also threatened informant and her family members to kill.

5. Considering the entire gamut of facts put forth and rival submissions made, I am of the opinion that the accused shall be enlarged on anticipatory bail due to the prima facie observations:

I- In the present matter 16 named and 10-12 anonymous persons are mentioned in the FIR that they have beaten Neeraj, Joni and Rahul. The medical reveals fracture injuries of Neeraj and no other medical has been placed. The contention that on 27.02.2022 a FIR has been lodged by the accused against Joni and Vijay under the POSCO Act at P.S- Rabupura and it is in the counterblast with this FIR which has been registered against the accused. It is also contended that if 28 persons will beat anyone then the injuries could be more graver than reflected.

II- The charge-sheet has already been filed in the present case and co-accused Tarikat, Hassan, Kalu, Salim and Aas Mohammad were already enlarged on bail.

Order

The accused/applicants **Ayub, Tayub, Fatte, Nannhe** shall be released on anticipatory bail according to section 438 (2) Cr.P.C under following conditions:

1. Accused/applicants shall appear before the learned Court below and furnish the personal bond of Rs 30,000/- and **two sureties each** in the like amount to the satisfaction of the concerned Court.
2. Applicant/accused shall make himself available for the trial and **cooperate in the trial** as and when required by the Court concerned, failing which Court concerned shall proceed as per law.
3. That applicant/accused shall be not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from enclosing such facts to the court or to any police officer.
4. That applicant/accused shall not leave India without the previous permission of the court.

05.01.2023

(Avnish Saxena)
Sessions Judge
Gautam Buddha Nagar
ID No-UP06527