

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53446 of 2023

Applicant :- Gaurav Shukla

Opposite Party :- State of U.P.

Counsel for Applicant :- Sunita Chauhan, Aditya Pratap Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Devraj Singh holding brief of Ms. Sunita Chauhan, learned counsel for the applicant who has filed supplementary affidavit which is taken on record, learned AGA for the State and perused the record.

2. The instant bail application has been moved on behalf of the applicant with a prayer to enlarge him on bail in Case Crime No.387 of 2022, under Sections 395, 412 IPC, Police Station Sachendi, District Kanpur Nagar, during pendency of the trial.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the present case. The applicant is not named in the FIR; his name has come into picture in the confessional statement of the co-accused. It is also contended that the co-accused from whom the alleged vehicle has been recovered have already been enlarged on bail by co-ordinate Benches of this Court vide orders dated; (i) 24.07.2023 passed in Criminal Misc. Bail Application No.32079 of 2023 (Karan Vs. State of UP); (ii) 12.05.2023 passed in Criminal Misc. Bail Application No.21489 of 2023 (Sunny Kumar Vs. State of UP); and (iii) 28.11.2023 passed in Criminal Misc. Bail Application No.50625 of 2023 (Ravi Kumar @ Golu Vs. State of UP), therefore, the applicant is also entitled to be enlarged on bail considering the ground of parity as his case is on the better footing to that of the aforesaid co-accused. The criminal history of one case against the applicant has been explained in paragraph-12 of the affidavit filed in support of the bail application in which he has been enlarged on bail. It is next contended that apart from the criminal history of one case as mentioned above, there are five more cases against the applicant which have been explained in paragraph-3 of the supplementary affidavit. There is no likelihood of his abscondence or tampering with the evidence. The applicant is

languishing in jail since 17.1.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. The prayer for bail has been vehemently opposed by learned AGA. However, he could not dispute the aforesaid factual aspects raised by the counsel for the applicant.

5. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a fit case for bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Gaurav Shukla**, involved in the aforesaid case crime 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 the conditions that she:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses;

(iv) shall appear before the concerned SHO to show or establish his bona fide on any day of the first week of every month until further order of the trial court.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 13.12.2023

Shahroz