

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 29995 of 2023

Applicant :- Vikash

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajneesh Kumar Upadhyay, Nafees Ahmad

Counsel for Opposite Party :- G.A., Sunil Kumar Dubey

Hon'ble Pankaj Bhatia, J.

1. Supplementary affidavit filed on behalf of applicant in the Court today is taken on record.
2. Heard learned counsel for the applicant, learned counsel for the informant, learned AGA and perused the record.
3. As per allegations in the FIR, it is alleged that three accused persons, including applicant have assaulted with knife/farsa, as a result of which, the injured has suffered injury.
4. Learned counsel for the applicant submits that in the first information report similar allegations leveled against all the accused, including present applicant. It is argued that similar role assigned to the co-accused Akash has already been enlarged on bail by coordinate Bench of this Court, vide order dated 1.11.2023 passed in Criminal Misc. Bail Application No. 30007 of 2023. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 16.12.2022.
5. Learned AGA, as well as learned counsel for the informant have opposed the bail application.
6. Considering the fact that similarly placed co-accused has been enlarged on bail, the applicant is entitled to be enlarged on bail on the ground of parity. In view thereof, the application is allowed.
7. Let the applicant Vikash be released on bail in FIR No. 435 of 2022, under Sections 307, 323 and 325 I.P.C., P.S. Singhawali Ahir, district-Baghat, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall 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 disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 9.11.2023

Faridul