

**Court No. - 44**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 31386 of 2023

**Applicant :-** Nadeem Khan

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Kuldeep Johri

**Counsel for Opposite Party :-** G.A.

**Hon'ble Pankaj Bhatia,J.**

1. Rejoinder affidavit filed in the Court today is taken on record.
2. Heard learned counsel for the applicant, learned AGA and perused the record.
3. The FIR in question was lodged against three unknown persons with allegation that scholarship was distributed to persons, who are not eligible.
4. It is argued that the applicant was not named in the first information report. Subsequently, his implication in the offence in question was base upon further investigation. He next submits that the co-accused with whom similar allegation, has been enlarged on bail by another Bench of this Court, vide order dated 31.10.2023 passed in Criminal Misc. Bail Application No. 23727 of 2023. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 07.05.2023.
5. Learned AGA has opposed the bail application.
6. Considering the fact that the 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 **Nadeem Khan** be released on bail in FIR No. 633 of 2022, under sections 409, 420, 467, 468, 471 and 120B I.P.C., P.S. Kotwali, district-Pilibhit, 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