

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32836 of 2023

Applicant :- Pramod Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Shyam Lal, Abhilasha Singh, Ashutosh Yadav, Girish Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Rejoinder affidavit filed today is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
3. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 366 of 2022 under Sections 420, 467, 468, 471, 120-B I.P.C., Police Station- Kotwali Sambhal, District- Sambhal, during the pendency of the trial.
4. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. There is no evidence that the applicant has forged the documents or used the same as genuine for his own benefit. No incriminating article has been recovered from the possession of the applicant. The offences are triable by Court of Magistrate. It is next contended that the co-accused Sarfaraz Ali and Satyawar Yadav having identical role, have been granted bail by this court in Criminal Misc. Bail Application No. 41028 of 2023 and 34513 of 2023, vide orders dated 3.10.2023 and 23.8.2023 respectively. The applicant claims parity. The criminal history of the applicant has been explained in para 23 of the affidavit. The applicant is in jail since 10.6.2023, in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having regard to the submissions made above and the fact that the applicant has remained confined for four months, and the co-accused has been enlarged on bail, more so when no reasonable

apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Pramod Kumar**, involved in aforesaid case 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 he:

- (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.

8. 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 :- 30.10.2023

S.Verma