

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 37014 of 2023

Applicant :- Chintan Kaushik

Opposite Party :- State of U.P.

Counsel for Applicant :- Saurabh Kumar Tiwari, Surendra Kumar Jaiswal

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Counter affidavit filed on behalf of the State is taken on record.
2. Heard Sri Manish Tiwari, learned senior counsel assisted by Sri SK Tiwari, learned counsel for the applicant, learned AGA for the State and perused the record.
3. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.0561 of 2023, under Sections 364, 395, 412, 120B IPC, Police Station Auraiya, District Auraiya, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that the First Information Report was lodged against unknown person with the allegation that the informant was travelling in a car and his car was stopped by the police personnel and search was made where 30 pieces of silver bricks were recovered and the same was taken into custody by the police personnel and the driver of the car was taken away. While in transit the driver was left by the police personnel and bricks were taken and the same was embezzled. Learned counsel for the applicant submits that the applicant is an SI. His name has been surfaced in the confessional statement of the co-accused. He submits that there is no evidence linking the applicant with the alleged crime. The co-accused, Jamiluddin, Ramshankar, Ajaypal Singh Katheriya and Sanjay Chikva @ Sanjay Topi have already been enlarged on bail by co-ordinate Benches of this Court vide orders dated 03.10.2023 passed in Criminal Misc. Bail Application No.37600 of 2023; 05.10.2023 passed in Criminal Misc. Bail Application No.39388 of 2023; 11.10.2023 in Criminal Misc. Bail Application No.37086 of 2023; and 30.10.2023 in Criminal Misc. Bail Application No.45607 of 2023. Therefore, it can be said that the applicant is also entitled to be enlarged on bail

on the ground of parity. No incriminating article as alleged has been recovered from the possession of the applicant. The applicant has no criminal history. Applicant is languishing in jail since 10.06.2023. In case the applicant is released on bail, he will not misuse the said liberty and will cooperate in the trial.

5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

7. Let the applicant - **Chintan Kaushik**, involved in the 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 :- 31.10.2023

Shahroz