

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 39521 of 2023

**Applicant :-** Diwan Singh

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

**Counsel for Applicant :-** Prashant Yadav, Gaurav Srivastav, Rajeev Kumar, Rajesh Kumar Srivastava

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

**Hon'ble Umesh Chandra Sharma, J.**

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. By means of this bail application applicant seeks bail in Case Crime No.348 of 2023, under Sections 8/21/22/25/27A/29/60 NDPS Act and Sections 419, 420, 467, 468, 471 IPC, Police Station Jagdishpura, District Agra, during the pendency of trial.

3. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. It is also contended that similarly placed co-accused persons have already been enlarged on bail by this Court vide order dated 12.10.2023 passed in Criminal Misc. Bail Application No.37103 of 2023 (Mukesh Sharma Vs. State of UP and another) and the order dated 12.10.2023 passed in Criminal Misc. Bail Application No.37344 of 2023 (Rekha Goyal Vs. State of UP). Criminal history of the applicant has been explained in paragraphs-2 the supplementary affidavit in which the applicant has already been enlarged on bail. He further submitted that since the role of the applicant is identical to that of aforesaid co-accused who have already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 08.07.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has vehemently opposed the bail application but he could not dispute the submission made above.

5. 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.

6. Let the applicant - **Diwan Singh**, 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 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.

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 :- 19.10.2023**

Shahroz