

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38679 of 2023

Applicant :- Ajay Rawat

Opposite Party :- State of U.P.

Counsel for Applicant :- Dinesh Kumar Kashyap

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Dinesh Kumar Kashyap, learned counsel for the applicant, learned AGA for the State-opposite party and perused the record.
2. The instant bail application, under Section 439 Cr.P.C, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 422 of 2021, under Sections 307, 420, 413 I.P.C. Police Station- Friends Colony, District Etawah, during the pendency of trial.
3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. Learned counsel has explained criminal history of the applicant in para 16 of the affidavit. No injury has been received by the Police personnel. Learned counsel for the applicant has further contended that only to show good, the Police has concocted the story and lodged this false F.I.R. It is next contended that the co-accused Jagat Narayan Mishra, having identical role, has been granted bail by this Court in ***Criminal Misc. Bail Application No. 28406 of 2022*** vide order dated 11.07.2022. Copy of the bail order is annexed as **Annexure 3** to the application supported with the application. The applicant claims parity. The applicant is in jail since **04.11.2021**. In case, he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is

entitled to be enlarged on bail.

6. Let the applicant- **Ajay Rawat**, 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 :- 17.11.2023.

Vinod.