

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39564 of 2023

Applicant :- Mumtaj Ahmad

Opposite Party :- State of U.P.

Counsel for Applicant :- Dharmendra Singh, Anand Mohan Pandey

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. The instant bail application has been moved on behalf of the applicant with a prayer to enlarge him on bail in Case Crime No.715 of 2022, under Sections 419, 420, 406, 506 IPC, Police Station Kotwali, District Fatehpur, during pendency of the trial.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the present case. It is also argued that the co-accused, Dharmendra Singh has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 07.08.2023 passed in Criminal Misc. Bail Application No.34464 of 2023. He, therefore, contends that as the co-accused has already been enlarged on bail, the applicant is also entitled to be enlarged on bail on the ground of parity. The applicant is a law abiding citizen. The criminal history of the applicant has been explained in paragraph-8 of the affidavit filed in support of the bail application in which he has already been enlarged on bail. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 09.06.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has vehemently opposed the bail application and submitted that the applicant cannot claim parity with the bail order passed in favour of the aforesaid co-accused as in the said order it has been clearly stated that "the case of of the applicant (co-accused, Dharmendra Singh) is clearly distinguishable to that of the co-accused (present applicant). It is also contended that from perusal of the criminal history of the applicant, it transpires that the applicant has continuously committed similar offence as in this case. Therefore, the

applicant is not entitled to be enlarged on bail and this bail application is liable to be rejected.

5. Considering the facts and circumstances of the case, submissions advanced by the counsel for the parties and the criminal history of the applicant particularly under Section 420 IPC, this Court is not inclined to grant bail to the applicant at this stage. This Court is not satisfied that there are reasonable grounds for believing that he is not guilty of such offence and he would not commit any offence while on bail.

6. Accordingly, the bail application is **rejected** at this stage.

Order Date :- 18.10.2023

Shahroz