

**Court No. - 44**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 39421 of 2023

**Applicant :-** Kamlesh @ Vitthal Singh

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

**Counsel for Applicant :-** Anjani Kumar Mishra, Awadhesh Kumar Yadav

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

**Hon'ble Pankaj Bhatia, J.**

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

2. It is argued that after the same incident, one of the co-accused Manoj Kumar has been enlarged on bail by coordinate Bench of this court, vide order dated 22.9.2023 passed in Criminal Misc. Bail Application No. 39773 of 2023 and as the allegations leveled against the applicant are similar to co-accused Manoj Kumar. Criminal history has been duly explained in paragraph 11. He further argues that since the role of the applicant is identical to that of co-accused Manoj Kumar, hence the applicant is also entitled to be enlarged on bail on the ground of parity.

3. Learned AGA has opposed the bail application.

4. Considering the fact that the co-accused has been enlarged on bail, the applicant is entitled to be enlarged on bail on the ground of parity. In view thereof, the application is allowed.

5. Let the applicant **Kamlesh @ Vitthal Singh** be released on bail in FIR No. 271 of 2023, under Sections 379, 411, 413, 414, 420, 473 I.P.C. and section 3/25 Arms Act, P.S. Khadda, district-Kushinagar, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to

the Court or to any police officer or tamper with the evidence.

**Order Date :- 8.11.2023**

Faridul