

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39434 of 2023

Applicant :- Kale Queshi

Opposite Party :- State of U.P.

Counsel for Applicant :- Manish Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard 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 applicants on bail in Case Crime No.243 of 2023, under Sections 147, 148, 149, 323, 307, 504, 506 IPC, Police Station Etmadpur, District Agra, during the pendency of trial.
4. Learned counsel for the applicant has contended that the applicant is innocent and has been falsely implicated in the present case. It is also contended that the co-accused person having similar role to that of the accused has already been enlarged on bail by co-ordinate Bench of this Court vide orders dated; (i) 18.12.2020 passed in Criminal Misc. Bail Application No.44921 of 2020 (Gabbar Vs. State of UP); 25.04.2023 passed in Criminal Misc. Bail Application No.17482 of 2023 (Shahzad Vs. State of UP); and 28.04.2023 passed in Criminal Misc. Bail Application No.19102 of 2023 (Ahmad Quereshi @ Chhammo Vs. State of UP). Learned counsel for the applicant has, therefore, argued that the applicant is also entitled to be enlarged on bail on the ground of parity. There is criminal history of two cases against the applicant which has been explained in paragraph-18 of the affidavit filed in support of the bail application and in one of which he has been acquitted and in another he has been enlarged on bail. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 08.08.2023. In case he is enlarged on bail, he will not misuse the said liberty.
5. Learned AGA has opposed the prayer for bail. However, he could not dispute the aforesaid submissions advanced by the counsel for the applicant.

6. Having regard to the facts, circumstances and the submissions made but without commenting on the 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 - **Kale Queshi**, 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 :- 2.11.2023

Shahroz