

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 40010 of 2023

**Applicant :-** Dalveer

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

**Counsel for Applicant :-** Chandra Prakash Pandey

**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. By means of this bail application, applicant seeks bail in Case Crime No.37 of 2023, under Sections 392, 411 IPC, Police Station Naseerpur, District Firozabad, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case. It is further contended that neither the applicant was named in the FIR nor was he recognized or arrested on the spot. After five weeks from the incident the alleged recovery has been shown on the pointing of the applicant; no proper identification of the accused accused or the alleged material recovered on the pointing of the applicant has been conducted by the police. It is further contended that there is criminal history against the applicant which has been explained in paragraph-2 of the supplementary affidavit. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 15.05.2023. In case the applicant is released on bail, he will not misuse the said liberty.
5. The prayer for bail has been vehemently opposed by learned AGA. However, the aforesaid factual aspects could not be disputed by the learned AGA.
6. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a case for grant of bail on the ground of parity. Accordingly, the bail application is allowed.

7. Let the applicant - **Dalveer**, 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.

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 :- 17.11.2023**

Shahroz