

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42369 of 2023

Applicant :- Istekar @ Pappu

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Akbar Shah Alam Khan

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 Sri Mohd. Akbar Shah Alam Khan, 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 applicant on bail in Case Crime No.51 of 2023, under Sections 382, 411 IPC, Police Station Kakrauli, District Muzaffarnagar, 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 also contended that the co-accused, Israr has already been enlarged on bail by a coordinate Bench of this Court vide order dated 24.07.2023 passed in Criminal Misc. Bail Application No.32144 of 2023. Criminal history of the applicant has been explained in paragraphs-5 of the supplementary affidavit from which he has been enlarged on bail in cases shown at serial nos.D and E in paragraph-5 of the said affidavit; with regard to the rest cases which are shown at serial nos.A, B and C he could not move bail application for the reason that he is a poor person; he would file the bail application very shortly. He further submitted that since case of the applicant is at better footing to that of the aforesaid co-accused who has already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 13.05.2023. 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, he could not dispute the aforesaid factual aspects of parity to the co-accused.

6. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of the view 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 - **Istekar @ Pappu**, 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 :- 30.10.2023

Shahroz