

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42447 of 2023

Applicant :- Radhe @ Girish Chandra @ Abhi

Opposite Party :- State of U.P.

Counsel for Applicant :- Krishna Dutt Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant who has filed supplementary affidavit which is taken on record, learned AGA for the State and perused the record.

2. By means of this bail application, applicant seeks bail in Case Crime No.20 of 2023, under Sections 392, 411, 120B IPC, Police Station Ekdil, District Etawah, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the present case. It is also contended that the alleged recovery has been falsely planted upon the applicant. There is no credible evidence regarding involvement of the applicant in the present case. His name has come into picture in the confessional statement of the co-accused. It is further contended that the co-accused persons have already been enlarged on bail by co-ordinate Benches of this Court vide orders dated; (i) 07.04.2023 passed in Criminal Misc. Bail Application No.13188 of 2023 (Sonu @ Alok Kushwaha Vs. State of UP); (ii) 18.05.2023 passed in Criminal Misc. Bail Application No.22347 of 2023 (Rahul Yadav Vs. State of UP); (iii) 29.05.2023 passed in Criminal Misc. Bail Application No.24096 of 2023 (Shivam Kumar Jatav Vs. State of UP); and (iv) 06.06.2023 passed in Criminal Misc. Bail Application No.25396 of 2023 (Anshu Vs. State of UP). He, therefore, submit that since the case of the applicant is at better footing to that of the aforesaid co-accused, the applicant is also entitled to be enlarged on bail on the ground of parity. It is further contended that there is criminal history of four cases against the applicant which has been explained in paragraph-10 of the affidavit filed in support of the bail application. There is criminal history of two more cases against the applicant which has been mentioned in paragraph-4 of the supplementary affidavit. There is no likelihood of his abscondence or tampering with the evidence. The applicant is

languishing in jail since 01.02.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. The prayer for bail has been vehemently opposed by learned AGA. However, the aforesaid factual aspects could not be disputed.

5. Considering the fact, 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. Accordingly, the bail application is allowed.

6. Let the applicant - Radhe @ Girish Chandra @ Abhi, 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.

7. 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 :- 7.11.2023

Shahroz