

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43087 of 2023

Applicant :- Rahmat Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Kumar Singh

Counsel for Opposite Party :- G.A., Abhisht Jaiswal, Atharva Dixit

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Rajesh Kumar Singh, learned counsel for the applicant, Sri Pravesh Singh, holding brief of Sri Atharva Dixit, learned counsel appearing on behalf of the informant/victim, learned AGA for the State and perused the record.
2. By means of this bail application, applicant seeks bail in Case Crime No.655 of 2023, under Sections 467, 468, 471, 120B IPC and Section 63 of the Copyright Act, Police Station Kotwali Nagar, District Banda, during the pendency of trial.
3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case. The applicant has no concern with the alleged offence. It is also contended that similarly placed co-accused, Upendra Kumar Gupta has already been enlarged on bail by a coordinate Bench of this Court vide order dated 28.10.2023 passed in Criminal Misc. Bail Application No.44238 of 2023. He, therefore, submits that since the role of the applicant is identical to that of 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 criminal history against the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 22.08.2023. 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 as well as learned counsel for the informant/victim. However, they could not dispute the aforesaid factual aspects of parity to the co-accused.
5. 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.

6. Let the applicant-**Rahmat Ali**, 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.

(iv) shall not sell the forged Shyam Bidi, except the original Shyam Bidi produced by the company.

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 :- 17.11.2023

Vikram