

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44485 of 2023

Applicant :- Wakeel And 2 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicants, learned AGA for the State and perused the record.

2. By means of this bail application, applicants seek bail in Case Crime No.515 of 2017, under Sections 147, 323, 504, 506, 427, 325, 307 IPC, Police Station Jansa, District Varanasi, during the pendency of trial.

3. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in the present case due to enmity. They have no concern with the alleged incident. It is further contended that no specific role has been assigned to the applicants. It is also contended that similarly placed co-accused persons have already been enlarged on bail by coordinate Benches of this Court vide orders dated; (i) 16.05.2023 passed in Criminal Misc. Bail Application No.20605 of 2023 (Hublal Vs. State of UP); and (ii) 02.08.2023 passed in Criminal Misc. Bail Application No.31533 of 2023 (Phula Devi and others Vs. State of UP). He further submitted that since the role of the applicants is identical to that of aforesaid co-accused who have already been enlarged on bail, they are also entitled to be enlarged on bail on the ground of parity. There is no previous criminal history of the applicants. There is no likelihood of their abscondence or tampering with the evidence. In case the applicants are released on bail, they will not misuse the said liberty.

4. 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.

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 applicants have made out a case for grant of bail on the ground of parity. Accordingly, the bail

application is allowed.

6. Let the applicants - **Wakeel, Sunil** and **Nandlal**, involved in the aforesaid case crime be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that they:

(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 :- 3.11.2023

Shahroz