

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43202 of 2023

Applicant :- Ajay

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

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

2. The instant bail application has been moved on behalf of the applicant with a prayer to enlarge him on bail in Case Crime No.457 of 2017, under Sections 2/3 of the UP Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station Bhawanpur, District Meerut, during pendency of the trial.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the present case. It is also argued that the co-accused persons have already been enlarged on bail by co-ordinate Benches of this Court vide orders dated; (i) 29.03.2019 passed in Criminal Misc. Bail Application No.12910 of 2019 (Sumit Vs. State of UP); (ii) 16.11.2019 passed in Criminal Misc. Bail Application No.49800 of 2019 (Anuj @ Bijendra Vs. State of UP); (iii) 18.12.2019 passed in Criminal Misc. Bail Application No.16293 of 2018 (Aashish Vs. State of UP); (iv) 18.03.2020 passed in Criminal Misc. Bail Application No.11501 of 2020 (Neetu @ Neete Vs. State of UP); and (v) 23.09.2020 passed in Criminal Misc. Bail Application No.25924 of 2020 (Ashraf Vs. State of UP). He, therefore, contends that as the co-accused have already been enlarged on bail, the applicant is also entitled to be enlarged on bail on the ground of parity. The applicant is a law abiding citizen. The criminal history of six cases against the applicant has been explained in paragraph-9 of the affidavit filed in support of the bail application in which he has already been enlarged on bail. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 16.12.2017. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has vehemently opposed the bail application. He further submitted that from perusal of the criminal history of

the applicant it transpires that the applicant has been charged for the heinous offence of murder under Section 302 IPC and also there is criminal history of six cases against the applicant whereas the history of the aforesaid co-accused persons is lesser in number to that of the present applicant, therefore, he cannot claim parity with the bail order passed in favour of the aforesaid co-accused. Therefore, the applicant is not entitled to be enlarged on bail and this bail application is liable to be rejected.

5. Considering the facts and circumstances of the case, submissions advanced by the counsel for the parties and the criminal history of the applicant particularly under Section 302 IPC, this Court is not inclined to grant bail to the applicant. This Court is not satisfied that there are reasonable grounds for believing that he is not guilty of such offence and he would not commit any offence while on bail.

6. Accordingly, the bail application is **rejected**.

Order Date :- 7.11.2023

Shahroz