

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43256 of 2023

Applicant :- Sri Ram Prajapati

Opposite Party :- State of U.P.

Counsel for Applicant :- Ansar Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

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

2. By means of this bail application, applicant seeks bail in Case Crime No.55 of 2022, under Sections 420, 467, 468, 471 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 been falsely implicated in the present case. It is also contended that the informant himself was an accused of embezzlement, cheating, fraud and misappropriation of money for employing the nephew of one Shalini Gupta. It is further contended that the informant has also enticed one more person namely Vipin Kumar Verma for providing employment in Railway Department and took money and when it could not be done, he returned the money to the concerned person. It is further contended that similarly placed co-accused person, Vipin Kumar Verma @ Kalu has already been enlarged on bail by a coordinate Bench of this Court vide order dated 26.09.2023 passed in Criminal Misc. Bail Application No.39562 of 2023. The applicant is languishing in jail since 30.09.2023. There is no likelihood of his abscondence or tampering with the evidence. He further submitted that since the role of the applicant is on the better footing to that of the co-accused, who has already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity. 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 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 opinion that the applicant has made out a case for grant of bail on the ground of parity.

6. Accordingly, the bail application is allowed.

7. Let the applicant - **Sri Ram Prajapati**, 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 :- 3.11.2023

Shahroz