

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43428 of 2023

Applicant :- Khalid And 2 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Manoj Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Manoj Singh, 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.281 of 2023, under Section 364 IPC, Police Station Jhinhana, District Shamli, 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. It is further contended that similarly placed co-accused, Najis, Moin and Sajid have already been enlarged on bail by co-ordinate Benches of this Court vide order dated 03.10.2023 passed in Criminal Misc. Bail Application No.37713 of 2023 and the order dated 03.10.2023 passed in Criminal Misc. Bail Application No.37721 of 2023. There is criminal history of one case each against applicant nos.1 and 2 while applicant no.3 has no criminal history. He next submitted that since the role of the applicant is identical to that of the aforesaid co-accused who has already been enlarged on bail, they are also entitled to be enlarged on bail on the ground of parity. There is no likelihood of their abscondence or tampering with the evidence. The applicants are languishing in jail since 21.08.2023. 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, the aforesaid factual aspects of parity to the co-accused could not be disputed.
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 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 - **Khalid, Ahsan** and **Asif**, 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 :- 18.10.2023

Shahroz