

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43569 of 2023

Applicant :- Sachin @ Navneet

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Saxena, Amit Misra

Counsel for Opposite Party :- G.A., Rajesh Yadav, Raju Singh, Surendra Kumar

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Sandeep Kumar Dubey holding brief of Sri Amit Misra, learned counsel for the applicant, learned AGA for the State, Sri Raju Singh, learned counsel for the informant and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.142 of 2023, under Sections 147, 307, 323, 324, 504, 506 IPC, Police Station Kanth, District Moradabad, during the pendency of trial.

4. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case due to village rivalry. 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) 09.10.2023 passed in Criminal Misc. Bail Application No.38073 of 2023 (Shivam @ Gaurav Kumar Vs. State of UP); (ii) 26.07.2023 passed in Criminal Misc. Bail Application No.30179 of 2023 (Mahipal Singh Vs. State of UP); (iii) 26.09.2023 passed in Criminal Misc. Bail Application No.38037 of 2023 (Tejpal Vs. State of UP); and (iv) 01.12.2023 passed in Criminal Misc. Bail Application No.47015 of 2023 (Sumit State of UP). He further submitted that since the role of the applicant is identical to that of aforesaid co-accused who have already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 29.08.2023. In case the applicant is released on bail, he will not misuse the said liberty.

5. 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.

6. 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.

7. Let the applicant - **Sachin @ Navneet**, 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 :- 7.12.2023

Shahroz