

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43890 of 2023

Applicant :- Mukul Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Chandan Singh

Counsel for Opposite Party :- G.A., Kalyan Sundram Srivastava

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicant has filed supplementary affidavit, which is taken on record.
2. Heard Sri Chandan Singh, learned counsel for the applicant, Sri Kalyan Sundram Srivastava, learned counsel for the complainant, learned A.G.A. for the State and perused the records.
3. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 553 of 2023, under Sections 147, 148, 149, 307, 504, 506 I.P.C & 3/25/27 of Arms Act, Police Station- Khair, District- Aligarh, during pendency of the trial.
4. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case due to ulterior motive as well as enmity and village rivalry. Only general role has been assigned to the applicant. It has not been clear as to who shot the victim. There is criminal history of three cases against the accused-applicant, which has been explained properly in para no. 13 of the affidavit, in which the applicant has already been enlarged on bail. Learned counsel lastly submitted that the co-accused Sohit Chaudhary and Babal @ Virendra, have been granted bail by Co-ordinate Bench of this Court as well by this Court in ***Criminal Misc. Bail Application Nos. 46067 of 2023 & 41190 of 2023*** vide order dated 01.11.2023 and 18.10.2023 respectively. Copies of the orders provided by the learned counsel for the applicant are taken on record. The applicant claims parity. He is in jail since 27.07.2023, in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant, **Mukul Sharma**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

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 :- 6.12.2023

Vinod.