

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 43990 of 2023

**Applicant :-** Salman

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Fakhruzzaman

**Counsel for Opposite Party :-** G.A.

**Hon'ble Umesh Chandra Sharma,J.**

1. Learned counsel for the applicant is permitted to make necessary correction in the prayer clause of the memo of application during the course of day.
2. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
3. By means of this bail application, applicant seeks bail in Case Crime No.09 of 2023, under Sections 420, 467 IPC and 66(C) Information Technology Act, Police Station Cyber Crime Police, District Jhansi, 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. It is further contended that the two co-accused persons, Raj Yadav & Idrish Khan have already been enlarged on bail by a coordinate Bench of this Court vide order dated 26.10.2023 & 06.10.2023 passed in Criminal Misc. Bail Application Nos.43726 of 2023 & 42603 of 2023. He next submitted that since the role of the applicant is on the better footing to that of the aforesaid co-accused persons who have already been enlarged on bail, therefore 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 22.08.2023.
5. In case the applicant is released on bail, he will not misuse the said liberty.
6. 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.

7. 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.

8. Accordingly, the bail application is **allowed**.

9. Let the applicant - **Salman**, 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.

10. 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 :- 7.11.2023**

Shivangi