

**Court No. - 72**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 44188 of 2023

**Applicant :-** Dharamveer

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

**Counsel for Applicant :-** Lavesb Sharma

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

**Hon'ble Krishan Pahal,J.**

1. List has been revised.
2. Heard Sri Lavesb Sharma, learned counsel for the applicant and Sri Shashi Kant Rai, learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in Case Crime No. 87 of 2023, under Sections 392, 120B of I.P.C., Police Station- Etmadpur, District-Agra, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that similarly placed co-accused person, Ajay Jaat has already been enlarged on bail by another Bench of this Court vide order dated 24.05.2023 passed in Criminal Misc. Bail Application No. 23234 of 2023. He further submitted that since the role of the applicant is identical to that of co-accused, who has already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity.
5. The prayer for bail has been vehemently opposed by learned A.G.A. on the ground that the applicant has criminal history of two cases.
6. Learned counsel for the applicant has stated that the applicant has criminal history of two cases. As in one case, he has already been acquitted and in Case Crime No. 104 of 2023, he has yet to apply for the bail. In support of his submission, learned counsel has placed much reliance upon the judgement of ***Prabhakar Tewari Vs. State of U.P. and Another, 2020 (11) SCC 648***, the Apex Court has observed that pendency of several criminal cases against an accused may itself cannot be a basis for refusal of bail. The applicant is languishing in jail since 29.08.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.
7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence

on record, pending trial and in light of the judgement passed by this Court in *Nanha S/o Nabhan Kha vs. State of U.P., 1993 Crl.L.J. 938* and the judgement passed by the Apex Court in *Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation, MANU/SCOR/22410/2021*, without expressing any opinion on the merits of the case, the Court is of the view that the applicants have made out a case for bail. The bail application is **allowed** on the ground of parity.

8. Considering the submissions made by learned counsel for the parties, this Court is of the view that the applicant has made out a case for grant of bail on the ground of parity.

9. Without expressing any opinion on the merits, the bail application is allowed. Let the applicant- **Dharamveer**, who is involved in aforementioned case crime number 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 following conditions. Further, before issuing the release order, the sureties be verified.

- i. The applicant will not tamper with the evidence during the trial.
- ii. The applicant will not pressurize/ intimidate the prosecution witness.
- iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- iv. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- v. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

**Order Date :- 28.10.2023**

Mohini

**(Krishan Pahal, J.)**