

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44353 of 2023

Applicant :- Ratnesh And 2 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashok Kumar Singh, Pratibha Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicants, learned AGA and perused the record.

2. The FIR in question was lodged against as many as 12 named and 11 unnamed persons with regard to commission of the offence. It was alleged that on account of a dispute in between the two families, firing had taken place which resulted in a stray bullet affecting one of the passersby.

3. Learned counsel for the applicants argues that the dispute arose on account of the informant's misbehaving with the sister of the applicants for which a separate FIR was also registered. He also draws my attention to the statement of the victim who had stated that on account of the incident, the bullet fired by Satyapal hit the victim on thigh. It is also contended that similarly placed co-accused person has already been enlarged on bail by coordinate Benches of this Court vide order dated 31.10.2023 passed in Criminal Misc. Bail Application No.45903 of 2023 (Rahul Vs. State of UP). He further submitted that since the role of the applicants are identical to that of 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. Learned AGA has opposed the bail application.

5. Considering the submissions and the fact that there is no specific allegation against the applicants of having affected the firearm injury, which is attributed to one Satyapal, the applicants who have no criminal antecedent prior to the offence in question,

is entitled to be enlarged on bail. In view thereof, the applications are allowed.

6. Let the applicants **Ratnesh, Hitendra and Abhishek** be released on bail in Case Crime No.275 of 2023, under Sections 147, 148, 149, 323, 336, 332, 353, 307, 504, 506 IPC & Section 7 of Criminal Law (Amendment) Act, P.S. Jaithra, District Etah on their furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicants shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which they are accused or suspected of the commission; and

(c) The applicants 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.

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 :- 24.11.2023
Vijay