

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44411 of 2023

Applicant :- Suresh Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned AGA for the State 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. 278 of 2023, under Sections 419, 420, 467, 468, 471, 380, 120B, 411 I.P.C., Police Station Pilkhuwa, District Hapur, during the pendency of trial.
3. It is submitted by learned counsel for the applicant that as per allegations in the first information report, it is alleged that the applicant had introduced one girl as his sister and thereafter had taken Rs. 80,000/- from the informant and then sent the girl as wife of the son of the informant. Subsequently, the aforesaid girl had ran away from the matrimonial home.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the instant case. No marriage has been solemnized and the informant had offered to take the girl with him before marriage, which the applicant refused, as a result of the same, present first information report has been lodged. It is also contended that similarly placed co-accused has already been enlarged on bail by coordinate Benches of this Court vide order dated 04.10.2023 passed in Criminal Misc. Bail Application No.33554 of 2023 (Laxman Sharma Vs. State of UP). There is no criminal history against the applicant. He further submitted that since the role of the applicant is identical to that of aforesaid co-accused who has 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 15.06.2023. 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 - **Suresh Sharma**, 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 :- 24.11.2023

Vijay