

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44232 of 2023

Applicant :- Vinay Alias Vinni

Opposite Party :- State of U.P.

Counsel for Applicant :- Deena Nath

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
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.342 of 2021, under Sections 8/20/60 of the NDPS Act, Police Station Kamla Nagar, District Agra, 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 co-accused persons have already been enlarged on bail by coordinate Benches of this Court vide orders dated; (i) 12.04.2022 passed in Criminal Misc. Bail Application No.15206 of 2022 (Sunil Chak Vs. State of UP); (ii) 29.04.2022 passed in Criminal Misc. Bail Application No.13760 of 2022 (Suresh @ Sedu Vs. State of UP); (iii) 07.05.2022 passed in Criminal Misc. Bail Application No.18500 of 2022 (Hridesh Bhadauriya Vs. State of UP); (iv) 09.05.2022 passed in Criminal Misc. Bail Application No.13992 of 2022 (Pradeep Singh Vs. State of UP); (v) 06.02.2023 passed in Criminal Misc. Bail Application No.576 of 2023 (Arindam Bose Vs. State of UP); and (vi) 14.03.2023 passed in Criminal Misc. Bail Application No.54788 of 2022 (Vikram Vs. State of UP). There is no previous criminal case against the applicant. He next submitted that since the case of the applicant is at better footing to that of the aforesaid co-accused who have 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 16.12.2021. 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, the aforesaid factual aspects of parity to the co-accused could not be disputed.

6. 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. Accordingly, the bail application is allowed.

7. Let the applicant - **Vinay Alias Vinni**, 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 :- 16.11.2023

Shahroz