

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44844 of 2023

Applicant :- Chhitij Rai

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar Rai, Durgesh Kumar Singh

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.53 of 2022, under Sections 147, 148, 149, 307, 323, 504, 506, 427, 34 IPC and Section 7 Criminal Law (Amendment) Act, Police Station Shivpur, District Varanasi, during the pendency of trial.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further contended that the applicant has not been assigned any specific role but general. It has also been contended that the co-accused persons having similar role to that of the present applicant have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 04.07.2022 passed in Criminal Misc. Bail Application No.19491 of 2022 (Rohit Sonkar @ Pammi Sonkar Vs. State of UP). He, therefore, contends that the applicant is also entitled to be enlarged on bail on the ground of parity. There is criminal history of two cases which has been explained in paragraph-16 of the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 11.08.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail. However, he could not dispute the aforesaid submissions advanced by the counsel for the applicant.

5. Having regard to the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Chhitij Rai**, involved in the aforesaid case 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.

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 :- 3.11.2023

Shahroz