

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45064 of 2023

Applicant :- Vivek Bansal @ Vikki

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. A supplementary affidavit has been filed today in Court. It is taken on record. Let it be numbered by the Office.
2. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
3. The instant bail application has been preferred on behalf of the applicant with a prayer to release him on bail in Case Crime No.0303 of 2023, under Sections 392 and 411 I.P.C. registered at Police Station Karhal, District Mainpuri, during the pendency of the trial.
4. In brief, the prosecution case is that the informant- Dinesh lodged a first information report alleging therein that on 8.6.2023 at about 01:00 p.m., while he was returning with his wife, daughter and son on motorcycle, four miscreants on two motorcycles having description R-15 blue color and FZ black color chased them, and snatched the ensuing items and fled towards Karhal; i) a purse containing mobile phone of Lava company bearing SIM No.7300514466, another mobile phone of Vivo company bearing SIM No.6398173051, medical prescription slip of the daughter of complainant, and a passbook of Bank of Baroda along with

Rs.14000/-; ii) and also a set of earrings of the wife of one Prem Chand, who were coming behind them.

5. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case. 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 09.08.2023 passed in Criminal Misc. Bail Application No.33893 of 2023 (Rahul @ Gurujeet @ Panchabi Vs. State of UP). Criminal history of the applicant has been explained in paragraph 23 of the affidavit filed in support of the bail application. 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 08.06.2023. In case the applicant is released on bail, he will not misuse the said liberty.

6. 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.

7. 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.

8. Let the applicant - Vivek Bansal @ Vikki, 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.

9. 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