

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46167 of 2023

Applicant :- Kamal @ Kamlikant

Opposite Party :- State of U.P.

Counsel for Applicant :- Dheeraj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.

2. The FIR in question was lodged against unknown person. Subsequently, on the basis of the statement of the co-accused, the applicant was apprehended and linked with the offence in question.

3. It is argued by the Counsel for the applicant that two of the co-accused have been enlarged on bail. The bail orders are on record at pages 48 to 51 of the paper book. The criminal history of the applicant has been explained in the supplementary affidavit.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the fact that nothing was recovered from the applicant and the co-accused on similar allegations have already been enlarged on bail, I am of the view that the applicant is entitled to be released on bail on the ground of parity.

6. Accordingly, the bail application is ***allowed***.

7. Let the applicant ***Kamal @ Kamlikant*** be released on bail in FIR/ Case Crime No.173 of 2022, under Section 395 IPC, Police Station Shamli Kotwali, District Shamli on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the court concerned with the following conditions:

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

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

and

(c) The applicant 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.

Order Date :- 1.11.2023

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