

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46932 of 2023

Applicant :- Akash Rathaur

Opposite Party :- State of U.P.

Counsel for Applicant :- Akhil Kumar Shukla

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.0353 of 2023, under Sections 406, 420, 467 IPC and Sections 66C, 66D IT Act, Police Station Kotwali Farrukhabad, District Farrukhabad, during the pendency of trial.

4. It is submitted by learned counsel for the applicant that the applicant has falsely been implicated in the present case. It is further contended that there is no independent or public witness to the alleged recovery. The applicant has no concern with the alleged incident. The applicant is a peace loving and law abiding citizen. It is also contended that the co-accused persons have been enlarged on bail by co-ordinate Benches of this Court vide orders dated; (i) 11.10.2023 passed in Criminal Misc. Bail Application No.40571 of 2023 (Ram Niwas Vs. State of UP); (ii) 16.10.2023 passed in Criminal Misc. Bail Application No.40972 of 2023 (Dilip Kumar Vs. State of UP); (ii) 16.10.2023 passed in Criminal Misc. Bail Application No.39819 of 2023 (Shivam Gupta @ Krishna Vs. State of UP); (iii) 31.10.2023 passed in Criminal Misc. Bail Application No.41197 of 2023 (Sachin Rajpoot @ Sachchu Vs. State of UP), therefore, the applicant is also entitled to be enlarged on bail on the ground of parity. There is no previous criminal history against the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 15.09.2023. In case the applicant is released on bail, he will not misuse the said liberty.

5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Considering the fact that the applicant has no previous criminal history, the ground of parity 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. Accordingly, the bail application is allowed.

7. Let the applicant - **Akash Rathaur**, 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