

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46107 of 2023

Applicant :- Karn And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Vipul Kumar Singh, Pandey
Balkrishna

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicants, learned A.G.A for the State-opposite party and perused the record.

2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicants on bail in Case Crime No. 526 of 2022, under Sections 2/3 of U.P. Gangster Act, 1986, Police Station- Phase-II, District- Gautam Budh Nagar, during the pendency of trial.

3. Counsel for the applicants submitted that the applicants have been falsely implicated in the instant case. In the gang-chart total 11 cases have been shown against the applicants, in which they have already been enlarged on bail. Copies of the bail orders has been annexed as **Annexure No. 3** with the application supported with the affidavit. The details of criminal cases has been mentioned in paragraph no. 09 of the affidavit accompanying the bail application. The applicants are not the member of any gang. It is further stated that there is no other criminal history of the applicants. It is next contended that the co-accused- Salman and Pushpendra @ Bhoora having identical role, have been granted bail by Co-ordinate Bench of this Court in **Criminal Misc. Bail Application Nos. 41770 of 2023** and **18658 of 2023**, vide orders dated 06.10.2023 and 10.05.2023 respectively. Copies of the bail orders provided by the learned counsel for the applicants are taken on record. The applicants claim parity. The applicants are in jail since **07.08.2022**. In case, they are enlarged on bail, they will not misuse the said liberty.

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

5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.

6. Let the applicant - **Karan** and **Avnesh**, involved in the aforesaid case crime be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that they:

(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 :- 1.11.2023

Vinod.