

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46045 of 2023

Applicant :- Kanhaiya Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashok Kumar Singh, Pratibha Singh

Counsel for Opposite Party :- G.A., Harshit Gupta, Ramanand Gupta

Hon'ble Umesh Chandra Sharma, J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard Sri Ashok Kumar Singh, learned counsel for the applicant, learned AGA for the State and Sri Harshit Gupta, learned counsel representing first informant and perused the record.
3. By means of this bail application, applicant seek bail in Case Crime No.215 of 2023, under Sections 307, 504, 506 IPC and Section 7 Criminal Law Amendment Act, Police Station Aliganj, District Etah, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that the applicants have been falsely implicated in the present case. In this case, it is not disclosed in the fire arm upon Ayush Gupta. No injury has occurred to any of the persons. So far as the criminal antecedents are concerned, the same have been explained in paragraph Nos. 11, 12 and 13 of the bail application. There is no likelihood of their abscondence or tampering with the evidence. The applicant is languishing in jail since 03.09.2023. In case the applicant is released on bail, he will not misuse the said liberty.
5. The prayer for bail has been vehemently opposed by learned AGA. However, the aforesaid factual aspects of parity to the co-accused could not be disputed.
6. Considering the facts, circumstances 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 on the ground of parity. Accordingly, the bail application is allowed.

7. Let the applicant - **Kanhaiya Sharma** 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 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.

(iv) shall appear before the concerned S.H.O. on any day of first week of every month to show or establish his bona fide until further order of trial court.

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 :- 8.11.2023

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