

**Court No. - 44**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 47628 of 2023

**Applicant :-** Omveer Yadav

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Pratap Kanchan Singh

**Counsel for Opposite Party :-** G.A.

**Hon'ble Pankaj Bhatia,J.**

1. Heard learned counsel for the applicant, Sri Ajay Kumar Gautam the counsel for the informant as well as learned AGA and perused the record.

2. The accused-applicant seeks bail in Case Crime No.209 of 2023 under section 364 IPC, P. S. Akraabad, District Aligarh.

3. The FIR in question was lodged as a missing person report under section 364 IPC alleging that the victim was missing from 15.04.2023. The FIR was lodged on 18.04.2023 after the statement of one of the alleged witness Shailendra @ Sheelu was recorded, the statement is on record which states that he had seen the victim on 15.04.2023 at about 8.30 pm with four persons including the applicant. It was also alleged that three persons other than the applicant was causing brick injuries on the head of the victim and the applicant was alleged of being present there along with a country made pistol. It was also alleged that subsequently three persons including the applicant had taken the victim on the vehicle. In the light of the said, the applicant was linked with the offence in question.

4. The submission of the counsel for the applicant is that no role of causing injury was assigned to the applicant even in the statement of the alleged eye witness. He argues that as regards the offence under section 364 IPC, common role has been assigned to all the four persons including the applicant and one of the co-accused Upendra who was assigned the role of beating to brick by the alleged eye witness has been enlarged on bail by this Court vide order dated 18.10.2023 passed in Bail No.42201 of 2023. It is also argued that the applicant has no criminal history.

5. In view of the fact that the applicant has been implicated with the offence in question based upon the statement of the alleged witness who had stated the offence under section 364 IPC against

all the four persons including the applicant coupled with the fact that the co-accused has been enlarged on bail, there is no reason as to why the applicant should also not be enlarged on bail on the ground of parity, more so he has no criminal history, thus, the bail application is allowed.

**6.** Let the applicant ***Omveer Yadav*** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount 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 :-** 7.11.2023

VNP/-