

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46635 of 2023

Applicant :- Mohd Kaif

Opposite Party :- State of U.P.

Counsel for Applicant :- Syed Wajid Ali, Santosh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.250 of 2023, under Sections 147, 148, 149, 332, 353, 341, 342, 307, 109, 504 IPC and Section 7 Criminal Law Amendment Act, Police Station Sheeshgarh, District Bareilly, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case. The applicant is not named in the FIR. No specific role has been assigned to the applicant. It is also contended that similarly placed co-accused persons have already been enlarged on bail by coordinate Benches of this Court vide orders dated; (i) 13.10.2023 passed in Criminal Misc. Bail Application No.43740 of 2023 (Akaram Vs. State of UP); (ii) 18.10.2023 passed in Criminal Misc. Bail Application No.43462 of 2023 (Junaid and another Vs. State of UP); (iii) 27.10.2023 passed in Criminal Misc. Bail Application No.45179 of 2023 (Aman and another Vs. State of UP); (iv) 27.10.2023 passed in Criminal Misc. Bail Application No.45104 of 2023 (Mohammad Sami and another Vs. State of UP); and (v) 02.11.2023 passed in Criminal Misc. Bail Application No.45161 of 2023 (Hassan and another Vs. State of UP). There is no other criminal history of the applicant. He further submitted that since the case of the applicant is at better footing to that of aforesaid co-accused who have already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 22.08.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. The prayer for bail has been vehemently opposed by learned

AGA. However, he could not dispute the aforesaid factual aspects of parity to the co-accused.

5. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of the view that the applicant has made out a case for grant of bail on the ground of parity. Accordingly, the bail application is allowed.

6. Let the applicant - **Mohd Kaif**, 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.

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 :- 9.11.2023

Shahroz