

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46870 of 2023

Applicant :- Farukh Shah @ Feku

Opposite Party :- State of U.P.

Counsel for Applicant :- Ramkripal Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned AGA 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 applicant on bail in Case Crime No. 291 of 2023, under Sections 411, 413, 414 I.P.C, Police Station- Ali Nagar, District- Chandauli, during the pendency of trial.
3. Counsel for the applicant submitted that the applicant is innocent and he has not committed the alleged offence but the police has falsely been implicated in the instant case. The applicant has one previous criminal history to his credit, in which he has already been enlarged on bail by the court below. A copy of the bail order is annexed as Annexure No. 2 to the application. It is next contended that the co-accused- Chandan and Nikhil Kumar @ Karan Gaur, having similar role, have been granted bail by Co-ordinate Bench of this Court in ***Criminal Misc. Bail Application Nos. 47827 of 2023 & 45368 of 2023***, vide orders dated 08.11.2023 and 16.11.2023 respectively. Learned counsel for the applicant has produced a copies of the said orders, which are taken on record. The applicant claim parity. The applicant is in jail since **24.09.2023**. 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- **Farukh Shah @ Feku**, 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.

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 :- 23.11.2023

Vinod.