

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47132 of 2023

Applicant :- Ravendra Alias Ravendra Kumar And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Tripurari Pal

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard counsel for the applicants and Sri Neeraj Kumar Sharma, learned A.G.A. for the State.

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. 288 of 2022, under Sections 420, 467, 468, 471, 406, 120-B I.P.C., Police Station- Faizganj Behta, District- Budaun during pendency of the trial.

4. Counsel for the applicants submits that the applicants have been falsely implicated in the instant case. Neither the date and place nor the mode of payment of the alleged amount by the informant to the applicants has been disclosed in the first information report. At the moment, there is no evidence to link the applicants with the offence. It is next contended that no amount has been credited in the account of the applicants. The applicants are not the beneficiary of the alleged transactions. The applicants have not forged any documents. It is further contended that identically placed co-accused, Makhan Lal @ Makhan Seth and Ankit, have been granted bail by this Court in Criminal Misc. Bail Application No. 33677 of 2023 vide order dated 18.08.2023. The applicants claim parity. The applicant nos. 1 and 2 are in jail since 30.07.2023 and 16.07.2023 respectively, having no criminal history. In case they are enlarged on bail, they will not misuse the said liberty.

5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard learned counsel for the parties and having perused the record this Court prima facie finds that at this stage, there is no substantive evidence against the applicants. Identically placed co-accused, Makhan Lal @ Makhan Seth and Ankit, have been granted bail by this Court. Further, the applicants have no criminal history and have remained confined for more than three and four months respectively and there is no hope of early conclusion of

trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicants, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.

7. Let the applicants, **Ravendra Alias Ravendra Kumar and Dharmendra** involved in the aforesaid case be released on bail on their furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicants shall not temper with the prosecution evidence;
- ii. the applicants shall not pressurize the prosecution witness;
- iii. the applicants shall appear on each and every date fixed by the 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 :- 17.11.2023
Sachin Mishra