

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47841 of 2023

Applicant :- Monu @ Mohit

Opposite Party :- State of U.P.

Counsel for Applicant :- Ambreesh Kumar

Counsel for Opposite Party :- G.A., Arvind Kumar Dixit, Dhruva Dixit

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicant has filed supplementary affidavit today in Court, which is taken on record.
2. Heard Sri Amreesh Kumar, learned counsel for the applicant, Sri Arvind Kumar Dixit, learned counsel for the informant-respondent and learned A.G.A for the State and perused the record.
3. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 550 of 2023, under Section 147, 148, 323, 506, 352, 307 I.P.C, Police Station Dibiyapur, District - Auraiya, during the pendency of trial.
4. Learned counsel for the applicant has submitted that the applicant is absolutely innocent and has been falsely implicated in the instant case. By way of supplementary affidavit, the learned counsel for the applicant has explained criminal history against the applicant. As per the F.I.R the present applicant has also fire arm in his hand, but as per the statement of the injured Awadhesh Kumar, co-accused Sonu @ Vimal had shot him. The role of the exhortation has been assigned to the applicant. It is next contended that the co-accused Manoj Dohre, Sudhir and Kuldeep having identical role, have been granted bail by co-ordinate Bench of this Court in ***Criminal Misc. Bail Application No. 47573 of 2023*** vide order dated 07.11.2003. Copy of the bail order is annexed as **Annexure SA-2** to the application supported with the application. The applicant claims parity. The applicant is in jail since **17.09.2022**. In case, he is enlarged on bail, he will not misuse the said liberty.
5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions made by the

counsel for the applicant.

6. Having regard to the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant - **Monu @ Mohit**, 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 :- 21.11.2023

Vinod.