Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48659 of 2023

Applicant :- Reshu Sahu
Opposite Party :- State of U.P.
Counsel for Applicant :- Pt. S.P. Sharma,Archana Maurya
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.230 of 2023, under Section 2/3 UP Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station Mehrauni, District Lalitpur, during the pendency of trial.

3. It is argued by the learned counsel for the applicant that the prosecution under the Gangsters Act has been launched against the applicant on the basis of one case shown in the gang chart in which he has been enlarged on bail which has been explained in paragraph-10 of the affidavit filed in support of the bail application. He has been falsely implicated in the present case due to police rivalry. He is not the member of any gang. It is also contended that the co-accused persons have already been enlarged on bail by coordinate Benches of this Court vide orders dated; (i) 07.11.2023 passed in Criminal Misc. Bail Application No.47571 of 2023 (Neelesh Prajapati Vs. State of UP); and (ii) 09.11.2023 passed in Criminal Misc. Bail Application No.48555 of 2023 (Sanju Raja Vs. State of UP). There is criminal history of some other cases against the applicant, details of which have been given in paragraphs-11-13 of the said affidavit. He next submitted that since the case of the applicant is at better footing to that of the 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 04.07.2023. 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, the aforesaid factual aspects of parity to the co-accused could not be disputed.

5. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion 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 - **Reshu Sahu**, involved in the aforesaid case crime be released on bail on their 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 :- 16.11.2023
Shahroz

Digitally signed by :-
SHAHROJ ALAM
High Court of Judicature at Allahabad