

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47638 of 2023

Applicant :- Vishambhar Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Mukesh Kumar

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.416 of 2000, under Sections 363, 366, 368 IPC, Police Station Mohammadabad, District Farrukhabad, during the pendency of trial.

3. It is contended by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. No specific role has been assigned to him. It is also contended that the co-accused persons have already been enlarged on bail by co-ordinate Benches of this Court vide orders dated; (i) 11.10.2013 passed in Criminal Misc. Bail Application No.30348 of 2013 (Lankush Vs. State of UP); (ii) 23.04.2014 passed in Criminal Misc. Bail Application No.13392 of 2014 (Prem Singh Vs. State of UP). He, therefore, contends that since the case of the present applicant is on the better footing to that of the aforesaid co-accused who have already been enlarged on bail, the applicant 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 applicants are in jail since 04.10.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has vehemently opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the facts, circumstances and 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. Accordingly, the bail application is allowed.

6. Let the applicant - **Vishambhar Singh**, involved in the aforesaid case 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 :- 8.11.2023

Shahroz