

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48081 of 2023

Applicant :- Yunus

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Raj Pandey, Shubham Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Ram Raj Pandey, learned counsel for the applicant, learned AGA for the State and perused the record.

2. By means of the present bail application, the applicant seeks bail in Case Crime No.18 of 2023, under Sections 147, 148, 323, 313, 452, 427, 504, 506 IPC, Police Station Ramala, District Baghpat, during the pendency of trial.

3. It is argued by the learned counsel for the applicant that the applicant is innocent has falsely been implicated in the present case. He has not committed any offence as alleged by the prosecution. It is further contended that the co-accused, Riyaz has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 13.07.2023 passed in Criminal Misc. Bail Application No.26434 of 2023, therefore, the applicant is also entitled to be enlarged on bail on the ground of parity. It is also contended that there is no criminal history against the applicant. There is no likelihood of his abscondence or tampering with the evidence. He is in jail since 29.01.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has vehemently opposed the bail application. Learned AGA relying on the statement of the victim recorded

under Section 161 CrPC has contended that the applicant was leading the miscreants who trespassed the house of the victim, who was pregnant for eight months, and kicked on the stomach of the victim by his leg and in the result, the pregnancy of the victim was aborted. It is also contended that the accused has threatened the victim to kill her. Learned AGA, contradicting the submission for parity advanced by the counsel for the applicant, has argued that the applicant cannot claim parity with the bail order of the aforesaid co-accused as he has not been assigned any specific role. Therefore, the bail application is liable to be rejected.

5. Considering the facts and circumstances of the case, the nature of offence in which a lady having pregnancy of eight months was kicked due to which the pregnancy was aborted, the statement of the victim recorded under Section 161 CrPC and the role of the accused, this Court is not inclined to grant bail to the applicant at this stage.

6. Accordingly, the bail application is **rejected** at this stage.

Order Date :- 29.11.2023
Shahroz