

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48067 of 2023

Applicant :- Prabhat

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Chandra Solanki

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. By means of this bail application applicant seeks bail in Case Crime No.214 of 2023, under Sections 364A, 395, 412, 323, 34, 171 IPC and Section 3/25 Arms Act, Police Station Jaswant Nagar, District Etawah, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the present case. It is also contended that the applicant is neither named in the FIR nor he was recognized by the victim; his name has come into picture in the confessional statement of the co-accused, Ravi Khare who has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 07.11.2023 passed in Criminal Misc. Bail Application No.45983 of 2023. He, therefore, argued that since case of the applicant is on the better footing to that of the aforesaid co-accused, 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 applicant is languishing in jail since 01.10.2023. 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 could not be disputed by the learned AGA.

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 fit case for bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Prabhat**, 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 :- 29.11.2023

Shahroz