Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48706 of 2023

Applicant :- Imran Ahmad
Opposite Party :- State of U.P.
Counsel for Applicant :- Dhirendra Kumar Srivastava,Mohammad Belal
Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.

2. Heard learned counsel for the applicant, learned AGA 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.477 of 2023, under Sections 420, 406, 506 IPC, Police Station Tronica City, District Ghaziabad, during the pendency of trial.

4. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case. It is further contended that there is no documentary evidence to corroborate the allegations levelled against the applicant in the FIR; the applicant has neither executed the alleged sale deed nor he was the witness and mediator or beneficiary of the same. It is also contended that similarly placed co-accused persons have already been enlarged on bail by coordinate Benches of this Court vide order dated 30.11.2023 passed in Criminal Misc. Bail Application No.48367 of 2023 (Naushad Vs. State of UP) and the order dated 01.12.2023 passed in Criminal Misc. Bail Application No.48296 of 2023 (Tajkira Vs. State of UP). Criminal history of the applicant has been explained in paragraph-11 of the affidavit filed in support of the bail application in which the applicant has already been enlarged on bail. He further submitted that since the role of the applicant is identical to that of 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 23.09.2023. In case the applicant is released on bail, he will not misuse the said liberty.

5. The prayer for bail has been vehemently opposed by learned AGA. However, he could not dispute the aforesaid factual aspects of parity to the co-accused.

6. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of the view that the applicant has made out a case for grant of bail on the ground of parity. Accordingly, the bail application is allowed.

7. Let the applicant - **Imran Ahmad**, 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.

8. 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 :- 1.12.2023
Shahroz

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