

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48875 of 2023

Applicant :- Lavkush Bind

Opposite Party :- State of U.P.

Counsel for Applicant :- Ganesh Shanker Srivastava, Ravi Shankar Kanojiya

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.133 of 2023, under Sections 307 and 504 IPC, Police Station Gyanpur, District Bhadohi, during the pendency of trial.

3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case. He is not named in the FIR. It is also contended that the named accused, Deepak Maurya has already been enlarged on bail by this Court vide order dated 20.11.2023 passed in Criminal Misc. Bail Application No.49264 of 2023 on which basis it is argued that the case of the applicant is on the better footing to that of the aforesaid co-accused who has already been enlarged on bail, therefore, the applicant is also entitled to be enlarged on bail on the ground of parity. It is further contended that there is no criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 06.08.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant, from the record.

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. Accordingly, the bail application is allowed.

6. Let the applicant - **Lavkush Bind**, 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 :- 5.12.2023

Shahroz