

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48787 of 2023

Applicant :- Isteyak Ali Alias Neta And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Saiyad Iqbal Ahmed

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicants, learned AGA for the State and perused the record.

2. By means of this bail application, applicants seek bail in Case Crime No.171 of 2023, under Sections 147, 148, 149, 452, 336, 323, 504, 307, 506 IPC, Police Station Sasni, District Hathras, during the pendency of trial.

3. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in the present case. It is further contended that no specific role has been assigned to the applicants. It is also contended that the co-accused persons have already been enlarged on bail by coordinate Benches of this Court vide orders dated; (i) 02.08.2023 passed in Criminal Misc. Bail Application No.31518 of 2023 (Israil and another Vs. State of UP); (ii) 23.08.2023 passed in Criminal Misc. Bail Application No.37176 of 2023 (Sahil Vs. State of UP); (iii) 11.08.2023 passed in Criminal Misc. Bail Application No.35601 of 2023 (Khalid Vs. State of UP); and (iv) 10.08.2023 passed in Criminal Misc. Bail Application No.35368 of 2023 (Arman and another Vs. State of UP). There is no previous criminal case against the applicants. He next submitted that since the case of the applicants is at better footing to that of the aforesaid co-accused who have already been enlarged on bail, they are also entitled to be enlarged on bail on the ground of parity. There is no likelihood of their abscondence or tampering with the evidence. The applicants are languishing in jail since 04.10.2023. In case the applicants are released on bail, they will not misuse the said liberty.

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

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 applicants have made out a case for grant of bail on the ground of parity. Accordingly, the bail application is allowed.

6. Let the applicant - **Isteyak Ali Alias Neta** and **Mustak**, involved in the aforesaid case crime be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that they:

(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 :- 16.11.2023

Shahroz