

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 49533 of 2023

**Applicant :-** Dinesh Kumar

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Chandra Prakash Pandey, Saurabh Mishra

**Counsel for Opposite Party :-** G.A.

**Hon'ble Umesh Chandra Sharma, J.**

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 69 of 2023, under Sections 394 and 411 I.P.C., Police Station- Katera, District- Jhansi, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. Neither the applicant is named in the F.I.R. nor arrested from the spot. False recovery of one mobile has been shown from the possession of the applicant, however, there is no independent witness of the allegedly recovery. It is next contended that the co-accused Mahendra @ Monu, Haridayal, and Amit Kumar, having identical role, have been granted bail by this court in Criminal Misc. Bail Application Nos. 44814 of 2023, 50105 of 2023 & 48353 of 2023 vide orders dated 1.11.2023, 1.12.2023 & 30.11.2023 respectively. The applicant claims parity. The applicant is in jail since 05.08.2023, having no criminal history, in case he is enlarged on bail, he will not misuse the said liberty.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the submissions made above and the fact that the applicant has remained confined for more than four months and that the co-accused persons have been enlarged on bail, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper with the evidence or delay the trial or intimidate the

witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Dinesh Kumar**, involved in aforesaid case 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 :- 6.12.2023**

S.Verma