

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49843 of 2023

Applicant :- Gaurav Pandey

Opposite Party :- State of U.P.

Counsel for Applicant :- Ganesh Mani

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. The instant bail application under Section 439 CrPC has been filed with the prayer to enlarge the applicant on bail in Case Crime No.26 of 2021, under Sections 379, 406, 420 IPC, Police Station Chakeri, District Kanpur Nagar, during the pendency of the trial.

3. It is submitted by learned counsel for the applicant that the applicant has falsely been implicated in the present case due to ulterior motive. It is also contended that the co-accused, Jitendra Singh having similar role has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 22.12.2021 passed in Criminal Misc. Bail Application No.49468 of 2021 on which basis the applicant is also entitled to be enlarged on bail on the ground of parity. There is criminal history of one case against the applicant which has been explained in paragraph-12 of the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 29.06.2021. 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 from the record.

5. Considering the rival submissions of learned counsel for parties, material available on record but without expressing any opinion on the merits of the case, this Court is of opinion that the applicant is entitled to be released on bail. Accordingly, the bail application is allowed.

6. Let the applicant- **Gaurav Pandey**, involved in the aforesaid case, be released on bail on his furnishing a personal bond and

two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses; and,
- (iii) the applicant shall appear on each and every date fixed by the trial court.

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 :- 8.12.2023
Shahroz