

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50358 of 2023

Applicant :- Vedram

Opposite Party :- State of U.P.

Counsel for Applicant :- A.Z.Khan

Counsel for Opposite Party :- G.A.,Ashfaq Ahmed Ansari

Hon'ble Sameer Jain,J.

1. Heard Sri A.Z. Khan, learned counsel for the applicant, Sri Ashfaq Ahmed Ansari, learned counsel for the informant and Dr. S.B. Maurya, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 42 of 2023, under Sections 147, 148, 323, 504, 302 IPC, Police Station- Nagal, District-Saharanpur, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that this is the second bail application filed on behalf of the applicant and his first bail application was dismissed on merit by this Bench on 17.7.2023 and he is pressing the instant second bail application on the ground that after rejection of the first bail application of the applicant, bail application of co-accused Anuj has been allowed by this Court and at the time of granting bail to co-accused Anuj, the fact that first bail application of the applicant has been dismissed, was duly discussed. He further submitted that as with a detailed and reasoned order, co-accused Anuj has been released on bail and case of applicant is at par with him, therefore, applicant should also be released on bail.
4. He further submitted that applicant is not having any criminal history and he is in jail since 09.04.2023.
5. Per contra, learned AGA as well as learned counsel for the informant, however, opposed the prayer for bail but could not dispute the fact that after rejection of the first bail application of the applicant, the bail application of co-accused Anuj has been allowed by this Bench even after discussing the bail rejection order of the applicant.

6. They further could not dispute the fact that from the bail order of co-accused Anuj, it reflects that some facts could not be correctly placed before this Court at the time of disposal of the first bail application of the applicant and at the time of deciding the bail application of co-accused Anuj the same have been placed on record and after considering the same, this Court was of the view that co-accused Anuj may be released on bail in spite of the fact that first bail application of the applicant was dismissed.

7. They further could not dispute the fact that case of applicant is at par with co-accused Anuj and he is not having any criminal history.

8. I have heard learned counsel for the parties and perused the record of the case.

9. However, this is the second bail application filed on behalf of the applicant and his first bail application was dismissed on merit by this Court on 17.07.2023 but it reflects from the record that after rejection of the first bail application of the applicant, co-accused Anuj has been released on bail and in the bail order of co-accused Anuj, the fact that first bail application of applicant was dismissed, was discussed and from the bail order of co-accused Anuj, it also reflects that some new documents have been annexed by co-accused Anuj, which were not placed before this Court at the time of hearing of first bail application of the applicant.

10. Further, case of applicant is at par with co-accused Anuj and applicant is not having any criminal history and he is in jail since April, 2023.

11. Therefore, considering the facts and circumstances of the case discussed above, particularly the fact that co-accused Anuj has been released on bail and case of applicant is at par with him, in my view, applicant is entitled to be released on bail.

12. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

13. Let the applicant- **Vedram** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

14. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

15. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 13.12.2023

KK Patel