

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51892 of 2023

Applicant :- Pratap

Opposite Party :- State of U.P.

Counsel for Applicant :- Sushil Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned A.G.A. and perused the record.
2. The present application under Section 439 CrPC has been filed seeking bail in Case Crime No.188 of 2023 under Sections 8/20/60 NDPS Act, Police Station Shergarh, District Mathura.
3. Learned counsel for the accused-applicant submitted that the applicant is innocent and has been falsely implicated in the instant case due to ulterior motive. It has also been contended that identically situated co-accused, Saurabh @ Shyodan and Nasir have already been enlarged on bail by co-ordinate Benches of this Court vide order dated 07.11.2023 passed in Criminal Misc. Bail Application No.47446 of 2023 and the order dated 06.12.2023 passed in Criminal Misc. Bail Application No.50032 of 2023. The applicant is seeking parity in relief granted to the aforesaid co-accused. He has no previous criminal history. The applicant is languishing in jail since 07.08.2023. In case he is enlarged on bail, he will not misuse the liberty of bail and will cooperate in the trial proceedings.
4. Learned AGA has opposed the prayer for bail though he admits that there is no recent criminal case against the applicant and also he could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant.
5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.
6. Let the applicant - **Pratap**, 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;
- (iv) shall not leave the District Aligarh without prior permission to 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 :- 11.12.2023

Shahroz