

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53020 of 2023

Applicant :- Gulsher @ Gulrej And 2 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Anup Swaroop Srivastava

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.230 of 2015, under Sections 147, 148, 149, 307, 120B, 427, 336, 332, 353 IPC and Section 7 Criminal Law Amendment Act, Police Station Rampur Maniharan, District Saharanpur, 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 due to ulterior motive. It is further contended that similarly placed co-accused persons have already been enlarged on bail by coordinate Benches of this Court vide orders dated; (i) 28.11.2023 passed in Criminal Misc. Bail Application No.50839 of 2023 (Shakil Ahmad Vs. State of UP); (ii) 11.03.2022 passed in Criminal Misc. Bail Application No.1127 of 2022 (Aarif and another Vs. State of UP); and (iii) 15.09.2023 passed in Criminal Misc. Bail Application No.33094 of 2023 (Anwar Vs. State of UP). He next submitted that since the role of the applicants is identical 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 criminal history against the applicants which has been explained in paragraph-13 of the affidavit filed in support of the bail application. There is no likelihood of their abscondence or tampering with the evidence. The applicants are languishing in jail since 03.11.2023. 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 by him.

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 fit case for bail on the ground of parity. Accordingly, the bail application is allowed.

6. Let the applicants - **Gulsher @ Gulrej, Faran and Sannawar**, 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 :- 11.12.2023

Shahroz