

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7458
of 2023

Applicant :- Roopak Rai

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Deptt.
U.P. Civil Sectt. Lko.

Counsel for Applicant :- K.S. Rai

Counsel for Opposite Party :- G.A., Romit Seth

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri K.S. Rai, learned counsel for the applicant, Sri Rao Narendra Singh, the learned A.G.A. for the State, Sri Romit Seth, the learned counsel for the informant and perused the records.

2. This is second application seeking release of the applicant on bail in Session Trial No.959 of 2020, Case Crime No.160 of 2020, under Sections 406/419/420/467/468/471/120-B I.P.C. and Section 7 (a)/8 (1) (i) of P.C. Act, registered at Police Station Hazratganj, District Lucknow.

3. The first bail application bearing Bail Application No.10382 of 2020 was rejected by means of an order dated 29.01.2021 whereby seven other bail applications of co-accused were rejected. Thereafter the second application for bail has been filed on behalf of the applicant on the ground that by means of an order dated 16.09.2021, passed in S.L.P. (Crl.) No.2522 of 2021 the Hon'ble Supreme Court had granted liberty to the petitioners to renew their request after six months before the learned trial court. The second application was filed stating that the trial could not proceed any further. The co-accused Raghuveer Prasad has been granted bail by this court by means

of an order dated 02.11.2023, passed in Criminal Misc. Bail Application No.3996 of 2022. Another co-accused person Ashish Rai has also been granted bail by this court by means of an order dated 02.11.2023, passed in Criminal Misc. Bail Application No.10389 of 2023.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the allegations against the applicant that he was also involved in commission of the offence are similar to that of the co-accused Ashish Rai, who has already been granted bail by this court; that another co-accused person Raghuveer Prasad has also been granted bail by this court, whereas the applicant is languishing in jail since 15.06.2020 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime on the ground of parity.

7. Accordingly, this bail application stands **allowed**.

8. Let the **applicant-Roopak Rai** 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 magistrate/court concerned, subject to following conditions:-

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

the trial court.

9. As the accused persons are being granted bail in the present case solely on the ground of delay in disposal of the trial, a direction is issued to the trial court to proceed with the trial expeditiously without granting any unnecessary adjournments to any of the parties and to make an endeavour to conclude the same preferably within a period of one year from the date of a production of a certified copy of this order.

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(Subhash Vidyarthi, J.)

Order Date :- 6.11.2023

Ram.