

Court No. - 29

Case :- CRIMINAL APPEAL No. - 2914 of 2023

Appellant :- Padmakant Shukla @ Dhiraj Shukla

Respondent :- State Of U.P. Thru. Prin. Secy. Home, Lko And Another

Counsel for Appellant :- Rajnish Ojha

Counsel for Respondent :- G.A.

Hon'ble Mrs. Renu Agarwal,J.

Learned AGA has filed counter affidavit on behalf of State, which is taken on record.

Heard learned counsel for the appellant, learned AGA for the State-respondent and perused the material brought on record on the instant application for bail.

The present appeal has been filed on behalf of the appellant seeking bail in Case Crime No.45 of 2022, under sections 147, 148, 323, 504, 506, 307, 34, IPC and section 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of SC/ST Act, Sangramgarh, Pratapgarh.

It is contended by learned counsel for the appellant that the appellant is innocent and he has been falsely implicated in the present case due to ulterior motive. Identically situated co-accused Rama Shankar Yadav and Mukesh Saroj, have already been enlarged on bail by the Co-ordinate Bench of this Court in Criminal Misc. Appeal No.3087 of 2022 and Criminal Misc. Bail Application No.12729 of 2023, respectively, vide orders dated 27.09.2023 and 30.10.2023, hence the appellant is also entitled to be enlarged on bail on the ground of parity of the orders aforesaid. The appellant is languishing in jail since 17.05.2023 and in case he is granted bail, he will not misuse the liberty and would cooperate in the trial proceedings.

On the other hand, learned AGA has very vehemently opposed the aforesaid contention, however, could not controvert the aforesaid facts.

Considering the facts and circumstances of the case and taking into account that identically situated co-accused Rama Shankar Yadav and Mukesh Saroj, have already been enlarged on bail by the Co-ordinate Bench of this Court in Criminal Misc. Appeal No.3087 of 2022 and Criminal Misc. Bail Application No.12729 of 2023, respectively, vide orders dated 27.09.2023 and 30.10.2023, and the appellant is languishing in jail since 15.01.2023, without expressing any opinion on the merit of the case, it would be appropriate to enlarge the accused-applicant on bail.

Let appellant-**Padmakant Shukla @ Dhiraj Shukla** be released on bail in the above case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) The appellant shall also furnish an undertaking from the sureties that the properties (movable/immovable) which are the basis of accepting the surety, shall not be disposed of by them till the conclusion of trial.

(ii) The appellant shall also give an undertaking to the effect that he will not change his address without prior intimation to the trial court concerned.

With the aforesaid observation and direction present criminal appeal is disposed of.

(Renu Agarwal,J.)

Order Date :- 6.11.2023/VKG