

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12397 of 2023

Applicant :- Vikas Chaurasiya

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Govt. Lko.

Counsel for Applicant :- Ramakar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

1. Power filed by Shri Ajeet Kumar, Advocate appearing on behalf of complainant is taken on record.
2. Heard Shri Ramakar Shukla, learned counsel for the applicant, Shri Rajesh Kumar Singh, learned AGA-I for the State and Shri Ajeet Kumar, learned counsel for the complainant and perused the record.
3. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.153 of 2023, under Sections 304, 308, 323, 452, 504, 506, 34 IPC., Police Station Kadipur, District Sultanpur.
4. It is contended by learned counsel for the applicant that general allegation of assault has been levelled against seven accused persons. Learned counsel for the applicant submitted that the identical role assigned to co-accused Ram Jiyawan Chaurasiya, Mukesh Chaurasiya, Dinesh Chaurasiya, Ashok Chaurasiya and Smt. Prabhawati, have been granted bail by coordinate Benches of this Court vide orders dated 04.08.2023, 19.07.2023, 20.07.2023, 09.08.2023 and 13.10.2023 passed in Criminal Misc. Bail Application Nos.8281 of 2023, 9060 of 2023, 9140 of 2023, 9711 of 2023 and 12232 of 2023. He also submitted that the case of the applicant is at par with the aforesaid co-accused persons thus, the applicant may also be granted bail on the ground of parity. The applicant has no other criminal history. The applicant is in jail since 07.08.2023.
5. Learned AGA as well as learned counsel for the complainant opposed the prayer for bail but could not dispute the aforesaid submission of learned counsel for the applicant that the other co-accused persons mentioned above have been granted bail.
6. Without expressing any opinion on the merits of the case, after hearing learned counsel for the parties and looking into the fact that the co-accused named above, having similar role have already granted bail by this Court therefore, I am of the opinion that the applicant is also entitled to be released on bail on the ground of parity.
7. Let the applicant, **Vikas Chaurasiya**, 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 applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial Court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 18.10.2023

Pks