

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14288 of 2023

Applicant :- Pradeep Yadav

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home Civil Sectt. Lko

Counsel for Applicant :- Sudhanshu Mishra, Prashant Singh Gaur

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sudhanshu Mishra, learned counsel for the applicant and Sri Neeraj Kumar Tiwari, learned AGA for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.72 of 2021, under Sections 147, 323, 325, 504, 148, 308 and 506 IPC, Police Station - Kotwali Tanda, District - Ambedkar Nagar.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.04.2021 against (1) Ramesh Verma, (2) Vipin Gupta and four other persons stating that all the accused persons adduced him and Vipin Gupta assaulted on his head with a gandasa, Ramesh Gupta had beaten him with sticks, then he fell down, the other persons had beaten him with kicks and fists.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case.
5. Applicant's involvement in two other cases has been disclosed in para 10 of the affidavit, in one of which he has been granted bail and in other case, he has not been summoned till date.
6. The learned counsel for the applicant has submitted that co-accused Shivam Gupta, Ramesh Verma, Ankur Maurya and Shivam Gupta have already been granted bail by means of the orders dated 21.09.2023, 15.05.2023, 16.10.2023, 21.09.2023 passed by this Court in Criminal Misc. Bail Application No.11369 of 2023, 6321 of 2023, 11318 of 2023 and 11369 of 2023 respectively.
7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not named in the FIR, which contains specific allegations against two persons, Vipin

Gupta and Ramesh Verma only and that one of co-accused persons, Ramesh Verma and two other accused person Ankur Maurya and Shivam Gupta have already been granted bail and applicant is languishing in jail since 21.10.2023 and without making any observation, which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail on the ground of parity in the aforesaid crime.

9. Accordingly, this bail application stands allowed.

10. Let the applicant- Pradeep Yadav 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.

(Subhash Vidyarthi, J.)

Order Date :- 5.12.2023
prateek