

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13152 of 2024

Applicant :- Naresh @ Ram Naresh

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

Counsel for Applicant :- Arvind .Ku.Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the applicant, learned AGA for the State and perused the record.

Learned counsel for the applicant submits that name of the applicant has surfaced in the confessional statements of co-accused Awesh and Mohd. Asalam who have been granted bail by this Court vide orders dated 03.10.2024 and 17.10.2024 passed in criminal misc. bail application Nos. 10631/2024 and 10886 of 2024. Nothing has been recovered from the applicant. Case of the applicant is on better footing than that of co-accused Awesh and Mohd. Aslam. He has explained the criminal history in para 2 of the supplementary affidavit. Learned counsel for the applicant seeks parity with the order of the co-accused.

It is further submitted that the applicant is languishing in jail since 28.10.2024. There is no possibility of the applicant of fleeing away after being released from jail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned AGA has opposed the bail application, however, could not dispute the fact it is a case of parity.

On due consideration to the period of incarceration gone into by the applicant as well as considering the fact that there is a delay in lodging the FIR; the applicant is not named in the FIR; he has explained the criminal antecedent in para 2 of the supplementary affidavit, coupled with the fact co-accused Awesh and Mohd. Aslam have been enlarged on bail and without expressing any opinion on the merits of the case, I find it to be a fit case for enlarging the applicant on bail on the ground of parity.

Accordingly, the bail application is allowed.

Let the applicant ***Naresh @ Ram Naresh***, involved in Case Crime/FIR No. 115/2024 under Sections 310(2)/317 of BNS and Section 3/25 of Arms Act, Police Station - Maharajganj Tarai, District - Balrampur, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

(iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iv) 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.

(v) 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.

(vi) 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.

Order Date :- 20.12.2024

R.C.