

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13141 of 2024

Applicant :- Shivam Gaur

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

Counsel for Applicant :- Arpan Prakash Srivastava

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.

In the prosecution case, it is alleged that on 21.05.2024, the informant went to his village and in the evening of 22.05.2024 when he returned, he found the locks of the outer gate and doors of the rooms were broken. Locks of almirhas were also broken. In the theft, Rs. 20,000/- cash, currency of Rs. 12000/-, two rings of gold, three pairs of payal and other articles are alleged to have been stolen.

Learned counsel for the applicant submits that from the applicant, false recovery of Rs. 49500/- has been shown to which there is no independent witness. The applicant is not named in the FIR. No test identification parade has been conducted. Co-accused Ajay Sahu who was assigned similar role has been enlarged on bail by this Court vide order dated 04.09.2024 passed in criminal misc. bail application No. 9410 of 2024. Learned counsel for the applicant claims parity with the order of co-accused Ajay Sahu..

It has been further submitted that the offences are triable by magistrate. The applicant has explained criminal history of 8 cases in para 14 of the bail application. He is languishing in jail since 17.06.2024. 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 fact that co-accused Ajay Sahu who was assigned the similar role has been enlarged on bail; offences are triable by magistrate; he has explained criminal antecedent of 8 cases, coupled with the fact that the applicant is languishing in jail since 17.06.2024 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 **Shivam Gaur** involved in Case Crime No.169 of 2024, under Sections 411, 413 I.P.C., P.S. Kotwali Cantt., District Ayodhya. 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 :- 19.12.2024

R.C.