



2025:AHC:175471

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 26942 of 2025

Dharmendra Kumar Alias Heeru

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vidya Kant Rai
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Shri Vidyakant Rai, learned counsel for the applicant as well as Shri Sunil Kumar, learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in Case Crime No. 251/2020, under Sections 3/25/27 Arms Act, P.S.- Chaubepur, District- Kanpur Nagar, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that similarly placed co-accused person, Ashutosh Tripathi @ Shiv Tiwari has already been enlarged on bail by this Court vide order dated 25.06.2025 passed in Criminal Misc. Bail Application No. 21859/2025. The applicant is languishing in jail since 19.08.2020. The criminal history of four cases assigned to the applicant has been explained. He further submitted that since the role of the applicant is identical to that of co-accused, who has already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity.
5. The prayer for bail has been vehemently opposed by learned A.G.A. However, the aforesaid factual aspects of parity to the co-accused have not been disputed by him.
6. The Supreme Court in *Prabhakar Tewari Vs. State of U.P. and another*,

2020 (11) SCC 648 has observed that pendency of several criminal cases against an accused itself cannot be a basis for refusal of bail, if otherwise his case of bail is made out.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, pending trial and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail on the ground of parity. The bail application is **allowed** on the ground of parity.

8. Let the applicant- **Dharmendra Kumar Alias Heeru** involved in aforementioned case crime number be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion on the testimony of the witnesses.

(Krishan Pahal,J.)

September 26, 2025

Sharad/-