Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10324 of 2024

Applicant :- Himanshu Alias Anshu Srivastava
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home
Counsel for Applicant :- Arpan Prakash Srivastava
Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.

The present bail application has been filed by accused-applicant seeking bail in Case Crime No.323/2024, under Sections 411/413 IPC, P.S. Kotwali Nagar, District Ayodhya/Faizabad.

Learned counsel for applicant submits that the applicant has falsely been implicated in this case. From one arrest, four more cases have been slapped on the applicant. Alleged recovery made by the police is false. There is no independent witness to the recovery. Co-accused Ajay Sahu who was assigned the similar role, has been enlarged on bail by this Court vide order dated 12.08.2024 passed in Criminal Misc. Bail Application No. 8694 of 2024. Applicant has explained the criminal history in para 13 of the bail application Applicant seeks parity with the bail order of co-accused Ajay Sahu.

It is further submitted that 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 A.G.A. opposed the prayer for bail but could not dispute the fact that its a case of parity.

Considering the facts and circumstances of the case, role assigned to the applicant is akin to that of co-accused Ajay Sahu and without expressing any opinion on the merit of the case, I find it to be a fit case for enlarging the applicant on bail.

Accordingly, the bail application is allowed on the ground of parity.

Let the applicant **Himanshu Alias Anshu Srivastava** be

released on bail in aforesaid case crime number subject to his furnishing a personal bond and two reliable sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:

(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 :- 10.12.2024
Renu/-

Digitally signed by :-
RENU AGARWAL
High Court of Judicature at Allahabad,
Lucknow Bench