

Court No. - 55

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 20737 of 2018

Applicant :- Tufail

Opposite Party :- State Of U.P.

Counsel for Applicant :- Pushpendra Singh, Wahid Jamal

Counsel for Opposite Party :- G.A.

Hon'ble Aniruddha Singh, J.

Heard learned counsel for the applicant and learned A.G.A. for the State.

Learned counsel for the applicant submitted that the co-accused Shahid, Zakir, Surajpal Singh, Mohd Umar, Narendra Rathi, Guddu @ Arif and Narendra @ Chhote have already been enlarged on bail by this Court vide order dated 13.10.2017, 07.11.2017, 09.11.2017, 26.10.2017, 27.10.2017 and 9.5.2018 passed in Criminal Misc. Bail Application Nos. 34312 of 2017, 35965 of 2017, 42851 of 2017, 43144 of 2017, 40840 of 2017, 40899 of 2017 and 35921 of 2017; copy of which has been taken on record; the role of the applicant is identical to the co-accused who has already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity; the applicant has been falsely implicated in the present case; false recovery has been shown on the pointing out of this accused; there is no possibility to get this case be decided shortly in near future; there is no independent witness against the applicant; he is languishing in jail since 6.4.2018 (near about two months) having no criminal history; in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial.

Learned A.G.A. opposed the prayer for bail and admitted that he has received no criminal history against this accused, the role of this accused is identical to the role of the accused who have already been enlarged on bail.

Considering the submissions made by learned counsel for the applicant as well as learned A.G.A. and the fact that identically placed co-accused has already been enlarged on bail by this Court, without expressing any opinion on the merits of the case, it is deemed fit to enlarge the applicant on bail.

Let the applicant **Tufail** involved in the Case Crime No. 276 of 2017, under Sections 395, 364, 412, 302, 201 I.P.C., P.S. Auraiya, District Auraiya be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses.
- iii) The applicant shall appear on the date fixed by the trial court.
- iv) The applicant shall not commit an offence similar to the offence of which the applicant is accused, or suspected of the commission, of which applicant is suspected.
- v) The applicant shall not directly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade the applicant from disclosing such facts to the Court or to any police officer or tamper with the evidence.

In case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail.

Order Date :- 31.5.2018

A. Singh