

BA2 No. 36 of 2020

**Hon'ble N.S. Dhanik, J.**

(Via Video Conferencing)

Mr. Akhil Kumar Sah, Advocate for the applicant.

Mr. G.S. Sandhu, G.A. assisted by Mr. J.S. Virk, A.G.A. along with Mr. R.K. Joshi and Mrs. Shivali Joshi, Brief Holders for the State.

Let the necessary documents be filed within three days of the opening of the lockdown. Exemption application (CRMA No. 1370 of 2020) stands disposed of accordingly.

Heard learned counsel for the parties.

This is Second bail application moved on behalf of the applicant seeking regular bail in connection with FIR No. 14 of 2018 for the offence punishable under Sections 302, 201, 120B and 34 of I.P.C. registered at P.S. Mallital, District Nainital.

The first bail application was rejected on merit vide order dated 15.07.2019.

Learned counsel for the applicant submits that the applicant has falsely been implicated in the instant crime; he is not named in the FIR and he is languishing in jail since 08.06.2018. He also submits that the statements of the witnesses P.W. 1 to P.W. 20 have been recorded before the lower court but none of them have deposed against the present applicant. He further submits that the co-accused Anuj Kumar whose role was greater than the present applicant, has already been

granted bail by a Co-ordinate Bench of this Court on 28.02.2020 and the role attributed to the present applicant is much lesser than that the co-accused Anuj Kumar, hence, the present applicant is entitled for bail on the ground of parity.

On the other hand, learned counsel for the State has opposed the second bail application but admitted the fact that this is a case of parity.

Considering the facts and circumstances of the case, without expressing any opinion as to the final merits of the case, this Court is of the view that this is a good ground to grant bail at this stage. Consequently, the second bail application is allowed on the ground of parity.

Let the applicant be released on bail, on executing a personal bond and furnishing two reliable sureties, each of like amount, to the satisfaction of Court concerned.

**(N.S. Dhanik, J.)**

29.05.2020