

Mamtesh Kumar vs State Of U.P. on 28 March, 2025

Author: Deepak Verma

Bench: Deepak Verma

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44101

Court No. - 67

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5142 of 2025

Applicant :- Mamtesh Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Puneet Bhadauria

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Case called out in the revised list. None appears as advocates are on strike. Heard learned AGA and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 271 of 2023, registered under Sections 420, 467, 468, 471 I.P.C., Police Station Friends Colony, District Etawah, during pendency of the trial.

3. On perusal of record, it is apparent that applicant has no concern with alleged incident as applicant is marginal witness of sale deed. Co-accused, Charan Singh, Manjeet Singh @ Monu, Ankit Kumar, Margshree and Ranjeet Singh @ Soni, who have been granted bail by co-ordinate Bench of this Court vide orders dated 25.09.2024, 22.10.2024, 25.10.2024, 08.11.2024 and 03.01.2025

respectively. Applicant's case appears to be similar with co-accused, as such, applicant is also entitled for bail on the ground of same footing. The applicant is languishing in jail since 24.01.2025 having no previous criminal history. In case, the applicant is released on bail, he will not misuse the liberty of bail and co-operate in trial.

4. Learned A.G.A. has opposed the bail prayer of the applicant but could not dispute the fact regarding parity with co-accused.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and without expressing any opinion on the merits of the case and the law laid down by the Apex Court in *Satendra Kumar Antil Vs. C.B.I. & Another*, S.L.P.(Crl.) No. 5191 of 2021, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

6. Let the applicant, Mamtesh Kumar, who is involved in the aforesaid case crime, 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

i. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.

ii. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Order Date :- 28.3.2025 Nitin Verma