

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52662 of 2022

Applicant :- Aksh Singh Gaur

Opposite Party :- State of U.P.

Counsel for Applicant :- Shailendra Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

Supplementary affidavit filed today is taken on record.

Heard learned counsel for the applicant and Sri Vikas Sahai, learned AGA for the State-opposite party.

The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 260 of 2022, under Sections 420, 467, 120-B I.P.C. and Section 66-D of the Information Technology Act, Police Station- Sector 49 Noida, District- Gautam Budh Nagar during the pendency of trial.

It is contended that the applicant has been falsely implicated in the instant case. No recovery as alleged in the first information report was made from the applicant. There is no independent witness to the recovery. No amount has been credited in the account of the applicant. The applicant is not a beneficiary of any illicit transaction. It is next contended that the co-accused, Praveen Arnav, having identical role, has been granted bail by this Court in Criminal Misc. Bail Application No. 52754 of 2022 vide order dated 11.01.2023. The applicant claims parity. Prior to the instant case the applicant does not have any criminal history, however after his arrest he has been implicated in other cases. The applicant is in jail since 19.08.2022 and in case he is enlarged on bail, he will not misuse the said liberty.

Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

Let the applicant- **Aksh Singh Gaur** involved in aforesaid case 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 the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses;

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

Order Date :- 18.1.2023

Aditya