

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32584 of 2021

Applicant :- Robin Bhati

Opposite Party :- State of U.P.

Counsel for Applicant :- Nand Kishor Mishra, Shilpa Ahuja

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the records.

2. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in B.A. No. 1764, Case Crime No. 237 of 2021, under Sections 2/3 of the U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986, Police Station- Kosikalan, District- Mathura, during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case by the police. He further contends that on the basis of one case triable by the Court of Magistrate, the proceedings under the Gangster Act has been launched against the applicant. In the aforesaid case the accused-applicant has already been enlarged on bail by the Hon'ble Apex Court. Copy of the bail order is annexed as Annexure No. SA-2 to the supplementary affidavit. There is no any other case of criminal history against the applicant except this case. Learned counsel lastly submitted that the co-accused Rinku has been granted bail by this Court in ***Criminal Misc. Bail Application No. 20022 of 2022*** vide order dated 23.05.2022. A copy of the bail order has also been annexed as Annexure No. SA-2 to the supplementary affidavit The applicant claims parity. The applicant has no criminal antecedent in his credit except the case mentioned in the affidavit. He is in jail since 27.12.2020, in case he is enlarged on bail, he will not misuse the said liberty.

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

5. 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.

6. Let the applicant, **Robin Bhati**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

7. 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 :- 12.12.2023

Vinod.