

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 30388 of 2023

Applicant :- Upendra Sahani

Opposite Party :- State of U.P.

Counsel for Applicant :- Akhilesh Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the applicant as well as learned A.G.A. for the State of U.P. and perused the record.
3. The instant bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 015 of 2023, under Section 3(1) of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Mehdawal, District- Sant Kabir Nagar, during the pendency of the trial.
4. Learned counsel for the applicant submits that according to the gang chart, 3 cases are shown against the applicant and in those cases the applicant has been enlarged on bail. The bail orders have been annexed as Annexure Nos. 3, 4 & 5 to the affidavit. It is further contended that the applicant is neither a gang leader nor a member of any gang. The criminal history of the applicant has been explained in para 4 of the supplementary affidavit. The applicant is in jail since 28.04.2023.
5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Considering the rival submissions of learned counsel for parties and without expressing any opinion on the merits of the case, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is allowed.
7. Let the applicant- **Upendra Sahani** 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 tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- and,
- (iii) the applicant shall appear on each and every date fixed by the trial court.

8. 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 :- 28.10.2023

S.Verma