

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34039 of 2023

Applicant :- Dharmvir

Opposite Party :- State of U.P.

Counsel for Applicant :- Balbeer Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Shri Manish Jaiswal appeared on behalf of Shri Balbeer Singh, learned counsel for the applicant, learned A.G.A for the State and perused the record.

2. 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. 446 of 2023, under Section 2/3 of U.P. Gangster At & Anti Social Activities (Prevention) Act, 1986, Police Station- Tajganj, District- Agra, during the pendency of trial.

3. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the instant case due to police rivalry. It is further submitted that on the basis of one criminal case shown in the gang chart the proceeding under the Gangsters Act has been initiated in which applicant is on bail in Case Crime No.941 of 2012, under Sections 498-A, 304-B I.P.c and 3/4 of D.P. Act, Police Station- Tajganj, Agra is explained through supplementary affidavit with its order. He is not the member of any gang. In supplementary affidavit the learned counsel for the applicant has explained the criminal history of the applicant. It is next contended that the co-accused- Anuj Yadav having identical role, has been granted bail by coordinate Bench of this Court in Criminal Misc. Bail Application Nos. 30111 of 2023 vide order dated 25.07.2023. Learned counsel for the applicant has produced a copies of the said order, which are taken on record. The applicant claim parity. The applicant is in jail since 11.07.2023. In case, he is enlarged on bail, he will not misuse the said liberty.

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

6. 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.

7. Let the applicant - **Dharmvir**, 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 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.

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 :- 1.11.2023

A Gautam