

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34036 of 2023

Applicant :- Dinesh Tyagi

Opposite Party :- State of U.P.

Counsel for Applicant :- Avanish Kumar Srivastava, Brajesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

This is the second bail application.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No.100 of 2022 at Police Station-Nagla Singhi, District-Firozabad under Sections 2/3 of Gangsters Act. The applicant is in jail since 31.08.2022.

The first bail application of the applicant was rejected by this Court on 19.01.2023.

The following arguments made by Shri Brajesh Kumar Singh, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA from the record, entitle the applicant for grant of bail:

(1). The applicant has been falsely implicated in this case only to burnish the credentials of the police investigators.

(2). The applicant has been enlarged on bail in the solitary

criminal case depicted in the gang chart.

(3). He is not a member of any criminal gang.

(4). The applicant has explained his criminal history. It is also contended that the applicant belongs to the economically poor strata of the society and is a convenient scapegoat for the police authorities. The applicant has been falsely nominated in a number of cases only to show the proficiency of the police investigators. The said cases do not have any bearing on the instant bail application.

(5). The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- **Dinesh Tyagi** be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the

date fixed, unless personal presence is exempted.

Order Date :- 17.10.2023

Dhananjai