

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 37651 of 2023

Applicant :- Rishabh

Opposite Party :- State of U.P.

Counsel for Applicant :- Chandra Pal Singh, Jitendra Rana

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. A compliance affidavit on behalf of State has been filed which is kept on record and same be indexed by the office.

2. Heard Shri Chandra Pal Singh, learned counsel for the applicant, learned A.G.A. for the State and perused the records.

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.41 of 2023, under Section 2/3 of U.P. Gangster At & Anti Social Activities (Prevention) Act, 1986, Police Station- Ecotech-I, District- Gautam Buddh Nagar, 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 two criminal case shown in the gang chart the proceeding under the Gangsters Act has been initiated in which applicant is on bail which is explained in paragraph 7 of the affidavit filed in support of bail application. In addition to those two cases there is a another case under Section 3/25 Arms Act in which the applicant is on bail. He is not the member of any gang. The applicant is in jail since 19.07.2023. In case, he is enlarged on bail, he will not misuse the said liberty and there is no likelihood of abscondence or tampering with evidence.

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 - **Rishabh**, 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