

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40012 of 2023

Applicant :- Sandesh Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Bhola Nath Yadav, Ram Awadh Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Supplementary affidavit filed today is taken on record. Heard learned counsel for the applicant as well as learned A.G.A. for the State of U.P. and perused the record.

2. The instant bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 80 of 2023, under Section 3(1) of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Mohana, District- Siddharth Nagar, during the pendency of the trial.

3. Learned counsel for the applicant submits that according to the gang chart, only one case has been shown against the applicant and in that case the applicant has been enlarged on bail. The bail order has been annexed as Annexure No. 3 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 through supplementary affidavit. The applicant is in jail since 09.06.2023.

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

5. 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.

6. Let the applicant- **Sandesh Kumar** 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.

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 :- 17.10.2023

S.Verma