

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39512 of 2023

Applicant :- Pravesh Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Vinay Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Rejoinder affidavit filed today is taken on record.
2. Heard Sri Vinay Kumar Srivastava, learned counsel for the applicant as well as Sri Mithilesh Kumar, 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, **Pravesh Kumar**, on bail in Case Crime No. 115 of 2003, under Section 2/3 of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Bagwala, District- Etah, during the pendency of the trial.
4. Learned counsel for the applicant submits that as per the gang-chart four cases have been shown against the applicant on which basis the proceeding of the Gangster Act has been initiated, the applicant has been granted bail in those cases. The copy of the bail orders has been annexed with the affidavit as Annexure No. 3. It is further submitted that apart from the cases shown in the gang chart, there is criminal history of 13 other cases against the applicant which have been explained in para 8 of the affidavit and in para 6 of the rejoinder affidavit. It is submitted that the applicant is neither a gang leader nor any member of any gang. The applicant is in jail since 28.12.2022.
5. Learned A.G.A. has vehemently opposed the prayer for bail and contended that the accused is an active member of unlawful assembly and through which he has gained physical and pecuniary benefit. As per the report of DCRB and CCTNS, the accused has a long criminal history of 17 cases including serious offences like 302, 394, 174 A I.P.C., he is an habitual offender, there is terror of the applicant and his gang in the area and no public person is ready to give statement against him. The I.O. after collecting credible

and clinching evidence, has lodged this F.I.R., as such the accused is not entitled for bail.

6. Considering the rival submissions of learned counsel for parties and taking note of Section 19(4)(b) of the Gangsters Act, I do not find it fit case to enlarge the accused-applicant on bail.

7. Accordingly, the bail application is rejected.

8. However, it is directed that the trial Court shall endeavour to decide the trial in view of the provision of Section 309 Cr.P.C.

Order Date :- 6.11.2023

S.Verma