

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39360 of 2023

Applicant :- Shakti

Opposite Party :- State of U.P.

Counsel for Applicant :- Samarth Sinha, Arun Kumar Shukla, Vijay Sinha

Counsel for Opposite Party :- G.A., Amit Daga

Hon'ble Umesh Chandra Sharma, J.

1. Rejoinder affidavit filed today is taken on record.
2. Heard Sri Arun Kumar Shukla, assisted by Sri Vijay Sinha, learned counsel for the applicant, Sri Amit Daga, learned counsel for the informant A.G.A. for the State and perused the records.
3. 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. 208 of 2023, under Sections 386 , 120-B I.P.C., Police Station- Dadri, District- Gautam Buddh Nagar, during pendency of the trial.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The co-accused persons namely Harendra, Harendra Bansal and Santendra Bansal have demanded extortion money from the informant in the name of the applicant and other persons of the area, however, no connecting evidence could be produced by the prosecution that the applicant had persuaded or pressurized those three accused for extortion money, therefore, no offence u/S 386 I.P.C. is made out against the applicant. The criminal antecedent of the applicant has been explained in para 2 of the supplementary affidavit. The applicant is in jail since 06.07.2023, in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned counsel for the informant has vehemently opposed the prayer for bail by submitting that the applicant has a long criminal history to his credit, he is a habitual offender and after getting bails from the Courts the accused do not appear before the trial Court despite several conditions and directions by this Court and the Sessions Court as well, and in case he is enlarged on bail

he shall also not appear before the trial Court in this case also, therefore, he does not deserve to be enlarged on bail.

6. Having regard to the submissions made above and keeping in view the prima facie role of the applicant in this case, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail, however, on certain conditions.

7. Let the applicant, **Shakti**, 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 temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court;
- (iv) the applicant shall appear before the concerned S.H.O. on any day of the first week of every month;
- (v) the applicant shall also give an undertaking that in previous cases also which are shown as criminal history before this Court, he shall appear regularly, at least on the date of framing of charge, recording the statement under Section 313 Cr.P.C. and whenever he is called upon by the trial court for identification or for any other reason.

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 :- 7.11.2023

S.Verma