

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40147 of 2023

Applicant :- Bintu @ Bhagwati

Opposite Party :- State of U.P.

Counsel for Applicant :- Kripa Shankar Tiwari, Pankaj Sharma, Shivani Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. 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. 28 of 1996, under Section 2/3 of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Madrank, District- Aligarh, during the pendency of the trial.
3. Learned counsel for the applicant submits that initially the accused-applicant it is not a regular bail but when the applicant after being enlarged on bail, did not appear before the trial Court, the process was issued against him and was arrested and sent to jail. The reason for the non-appearance of the applicant is stated to be his ill health and non communication by the counsel at the trial court. It is next contended that the after year 2010, there is no criminal history to the credit of the applicant, and the criminal history has been explained in para 19 of the applicant. The applicant is in jail since 24.5.2023. It is lastly submitted that the applicant would appear before the trial court on each and every date fixed by it.
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, as it is a case of abscondance and the applicant undertakes to cooperate in the trial, 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- **Bintu @ Bhagwati** 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.
- (iv) the applicant shall not leave the territory of district Aligarh, without prior permission of 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 :- 6.11.2023

S.Verma