

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41136 of 2023

Applicant :- Nusrat @ Bauwa And 2 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Yaseen

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 applicants on bail in Case Crime No. 184 of 2023, under Section 3(1) of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Chandauli, District-Chandauli, during the pendency of the trial.
3. Learned counsel for the applicants submits that according to the gang chart, only one case has been shown against the applicants and in that case the applicants have been enlarged on bail. The bail orders have been annexed as Annexure No. 2 to the affidavit. It is further contended that the applicants are neither gang leader nor member of any gang. The applicants are in jail since 25.05.2023, in case they are released on bail, they will not misuse the liberty.
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 applicants- **Nusrat @ Bauwa, Bauve Banjare and Luqman**, involved in the aforesaid case, be released on bail on their 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 applicants shall not tamper with the prosecution evidence;
- (ii) the applicants shall not pressurize the prosecution witnesses;
- and,
- (iii) the applicants 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