

Court No. - 76

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41739 of 2023

Applicant :- Udham Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Kumar,Devi Dayal

Counsel for Opposite Party :- G.A.

Hon'ble Vikram D. Chauhan,J.

1. In compliance of the previous order dated 9.10.2022, the Registrar General has placed the report with regard to posting of the officer in the Gangster Act. According to the report, the District Judge, Mahoba is required to take action in the matter.

1-A. Learned A.G.A. submits that instructions have been received and he has no objection in case the bail application is heard on merits.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

3. It is submitted by learned counsel for the applicant that the applicant could not participate in the trial court proceedings since 2016 as the applicant was apprehended in another case, details of which are provided in paragraph no. 9 of the affidavit. The applicant was released during Covid-19 and thereafter the applicant has not appeared, however, surrendered before the court concerned in 2022. Learned counsel for the applicant further submits that the applicant undertakes to participate in the trial court proceedings and will not seek any unnecessary adjournment. Applicant is ready to give heavy sureties. Applicant is languishing in jail since 28.06.2022 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial.

4. Learned A.G.A. for the State opposed the prayer for bail but does not dispute factual matrix of the case.

5. Considering the facts and circumstances of the case, nature of offence, undertaking and submissions of learned counsel for the Applicant and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

6. Let the applicant-**Udham Singh** involved in Case Crime No. 234 of 2014, under Section 2/3 of U.P. Gangster and Anti Social

Activities Prevention (Gangster) Act, 1986, Police Station Charkhari, District Mahoba, G.S.T. No. 22/2014 (State Versus Veer Singh and others), be released on bail on furnishing a personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

- i. The applicant will not tamper with the evidence during the trial.
 - ii. The applicant will not pressurize/intimidate the prosecution witness.
 - iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted and/or the applicant shall make himself available for interrogation by a police officer as and when required.
 - iv. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
 - v. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
 - vi. The applicant shall not leave India without the previous permission of the Court.
 - vii. In the event, the applicant changes residential address, the applicant shall inform the court concerned about new residential address in writing.
7. In case the applicant does not appear before the court concerned, the trial court would be at liberty to issue coercive measures including warrant against the applicant ensuring his presence for participation in the trial court proceedings.
8. In case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 18.10.2023

VMA