

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 42157 of 2023

**Applicant :-** Vishesh Kumar @ Bampi

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** R.P.S. Chauhan, Shashank Shekhar

**Counsel for Opposite Party :-** G.A.

**Hon'ble Umesh Chandra Sharma, J.**

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the records.

2 The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 128 of 2020, under Sections 2/3 of the U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986, Police Station- Bisauli, District- Budaun, during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. He further contends that on the basis of one case triable by the court of Magistrate concerned, the proceedings under the Gangster Act has been lodged against the applicant. In the aforesaid case the accused-applicant has already been enlarged on bail. The applicant has also falsely been implicated in another Case Crime / FIR No. 133 of 2006 under Sections 392, 397, 34 I.P.C Police Station Farash Bazaar, Delhi, in which he has been finally acquitted by the concerned court, copy of the status/detail has been filed as Annexure No. SA-1 with the supplement affidavit. There is no any other case of criminal history against the applicant. Learned counsel lastly submitted that the co-accused - **Vikas** has been granted bail by this Court in **Criminal Misc. Bail Application No. 57598 of 2023** vide order dated 16.12.2022. The applicant claims parity. The applicant has no criminal antecedent to his credit except the cases mentioned in the affidavit. He is in jail since **19.12.2019**, in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Vishesh Kumar @ Bampi**, 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.

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 :- 30.10.2023**

*Vinod.*