

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42176 of 2023

Applicant :- Bablu Singh @ Anup Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Matiur Rehman Khan

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicants on bail in Case Crime No.619 of 2016, under Sections 147, 148, 149, 323, 504, 506, 332, 353, 307, 342, 427, 336, 436, 325 IPC, Section 7 Criminal Law (Amendment) Act and Section 3/4 Public Property and Damages Act, Police Station Shahpur, District Gorakhpur, during the pendency of trial.

3. Learned counsel for the applicant submits that the applicant was in jail when the alleged incident took place there in which more than 100 persons (prisoners) were involved. It is further contended that the applicant has not been assigned any specific role but general. It has also been contended that some of the co-accused persons having similar role to that of the present applicant have already been enlarged on bail by co-ordinate Benches of this Court vide orders dated; (i) 03.05.2017 passed in Criminal Misc. Bail Application No.16199 of 2017 (Shakti Yadav @ Pillu Vs. State of UP); and (ii) 28.04.2023 passed in Criminal Misc. Bail Application No.17596 of 2023 (Sonu Kumar @ Loha Prajapati Vs. State of UP), therefore, the applicant is also entitled to be enlarged on bail on the ground of parity. There is criminal history of six cases which has been explained in paragraph-8 of the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 10.05.2013. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail. However, he could not dispute the aforesaid submissions advanced by the counsel for the applicant.

5. Having regard to the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Bablu Singh @ Anup Singh**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

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 :- 1.11.2023

Shahroz