

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42419 of 2023

Applicant :- Salman Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Istiyaq Ali, Ali Hasan

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Nisar Ahmad holding brief of Ali Hasan, learned counsel for the applicant, learned A.G.A for the State and perused the record.

2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No.113 of 2023, under Sections 2/3 of the U.P. Gangster & Anti Social Activities (Prevention) Act, 1986, Police Station Rajapur,, District Chitrakoot, during the pendency of trial.

3. It is argued by the learned counsel for the applicant that the prosecution under the Gangsters Act has been launched against the applicant on the basis of one criminal case shown in the gang chart which has been explained in paragraph-5 of the affidavit accompanying the bail application in which he has been enlarged on bail. He has been falsely implicated in the present case due to enmity with the police. He is not the member of any gang. It is further stated that there is no other criminal history of the applicant. It is next contended that the co-accused, Indresh Kumar Yadav @ Guddu, Dharmendra Sonkar and Raju Khan @ Sageer Ulla having identical role have been granted bail by this Court in Criminal Misc. Bail Application No.38407 of 2023 vide order dated 19.09.2023, Criminal Misc. Bail Application No.42211 of 2023 vide order dated 04.10.2023 and in Criminal Misc. Bail Application No.41296 of 2023 vide order dated 05.10.2023. Copy of the bail order provided by the learned counsel for the applicant is taken on record. The applicant claims parity. The applicant is in jail since 15.09.2023. 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 facts, circumstances and the

submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant - **Salman Khan**, involved in the aforesaid case crime 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 :- 19.10.2023

Shahroz