

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42355 of 2023

Applicant :- Ramchandra Yadav @ Maiku

Opposite Party :- State of U.P.

Counsel for Applicant :- Siddharth Rai

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Learned counsel for the applicant has filed supplementary affidavit today in Court, which is taken on record.
2. Heard Sri Siddharth Rai, Advocate, learned counsel for the applicant, learned A.G.A for the State-opposite party and perused the record.
3. 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. 101 of 2023, under Sections 3 (1) of U.P. Gangster Act, 1986, Police Station- Muhammadabad, District- Mau, during the pendency of trial.
4. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. In the gang-chart only two cases has been shown against the applicant, in which he has already been enlarged on bail. Copies of the bail orders has been annexed as Annexure Nos. 3 and 4 respectively with the application supported with the affidavit. In addition to that eight other cases of criminal history has been explained in supplementary affidavit, in which the applicant has already been enlarged on bail. Copies of the bail orders have also been Annexed as Annexure No. SA-1 with the application supported with the affidavit. The applicant 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- Vijay @ Mulayam having identical role, has been granted bail by this Court in ***Criminal Misc. Bail Application No. 29389 of 2023*** vide order dated **07.08.2023**. 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 **17.05.2023**. In case, he is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. 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.

7. Let the applicant - **Ramchandra Yadav @ Maiku**, 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.

8. 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.