

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42717 of 2023

Applicant :- Mohd. Muslim

Opposite Party :- State of U.P.

Counsel for Applicant :- Mahendra Pal Singh, Krishna Deep Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Supplementary affidavit is filed today is taken on record
2. Heard Sri Krishna Deep Singh, learned counsel for the applicant, and learned A.G.A. for the State and perused the records.
3. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 0052 of 2020, under Section 2/3 U.P. Gangsters and Anti Social Activities (Prevention), Act. Police Station Mau, District Chitrakoot, during pendency of the trial.
4. Learned counsel for the applicant submitted that on the basis of one criminal history the proceeding under gangster act has been launched against the applicant in which he is on bail. In another criminal antecedent with regard to under sections 147, 323, 308, 504, 506 IPC the applicant is on bail and the bail application is annexed as Annexure No. 4 to the affidavit. Learned counsel for the applicant further submitted that co-accused persons Shamshad and Mahmood Hasan have already been enlarged on bail under the gangster act. Having similar previous antecedent the applicant is languishing in jail since 18.09.2023, in case he is enlarged on bail, he will not misuse the said liberty, and there is no likelihood of abscondence or tampering with evidence.
5. Learned A.G.A. 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, **Mohd. Muslim**, 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.

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 :- 2.11.2023

Vikram