

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42505 of 2023

Applicant :- Nem Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Chakravarti Sisodia

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

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

2. By means of the present bail application, the applicant seeks bail in Case Crime No.90 of 2023, under Section 2/3 of U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station Nidhauri Kalan, District Etah, during the pendency of trial.

3. It is argued by the learned counsel for the applicant that the prosecution under the Gangsters Act have been launched against the applicant on the basis of one case shown in the gang chart which has been explained in paragraph-6 of the bail application in which the applicant has already been enlarged on bail. He has been falsely implicated in the present case due to police rivalry. He is not the member of any gang. It is further contended that similarly placed co-accused person, Malikhan has already been enlarged on bail by a coordinate Bench of this Court vide order dated 07.08.2023 passed in Criminal Misc. Bail Application No.34497 of 2023. Therefore, he submits that since the role of the applicant is identical to that of co-accused, who has already been enlarged on bail, present applicant is also entitled to be enlarged on bail on the ground of parity. It is further stated that there is no other criminal history of the applicant. The applicant is languishing in jail since 26.08.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail.

4. Learned AGA opposed the prayer for bail but has not disputed the aforesaid submissions of learned counsel for the applicant.

5. Having regard to 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 - **Nem Singh**, 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