

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43863 of 2023

Applicant :- Poonam Devi And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Firoz Khan

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicants, learned A.G.A for the State-opposite party 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. 275 of 2023, under Sections 2/3 of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station- Simbhawali, District- Hapur, during the pendency of trial.

3. Counsel for the applicants submitted that the applicants have been falsely implicated in the instant case. He further submits that applicant no. 1 is simply a house wife, whereas applicant no. 2 is working in Indian Army. According to Gang-Chart, there is only one case against the applicants, which is registered as Case Crime No. 366 of 2023, under Sections 307, 302, 120-B I.P.C, in which the applicants have already been released on bail. Copy of the same is annexed as Annexure No. 5 to the application. Applicants have no criminal history to their credit. The applicants are in jail since 05.09.2023. In case, they enlarged on bail, they will not misuse the said liberty.

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

5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.

6. Let the applicants - **Poonam Devi** and **Naveen Kumar**, involved in the aforesaid case crime be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that they:

(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:

(iv) shall appear before the concerned S.H.O. on any day of first week of every month till the further order of the trial court.

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 :- 9.11.2023

Vinod.