

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43623 of 2023

Applicant :- Dharmendra Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Dhirendra Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Dhirendra Kumar Srivastava, learned counsel for the applicant as well as learned A.G.A. for the State of U.P. and perused the record.

2. The instant bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 193 of 2023, under Section- 3(1) of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station- Balua, District- Chandauli, during the pendency of the trial.

3. Learned counsel for the applicant submits that on the basis of criminal history of two cases of Cow Slaughter Act, the proceeding of Gangster Act has been launched against the applicant in which he has already been enlarged on bail. As in this case, the applicant is in jail since 21.09.2023. Co-accused Sanjay Benvansi has been enlarged on bail by a co-ordinate Bench of this Court on 12.10.2023 passed in Criminal Misc. Bail Application No.43573 of 2023. Role of the instant applicant is on much better footing than that of co-accused Sanjay Benvansi. Hence, the applicant is liable to be enlarged on bail and there is no likelihood of his abscondence or tampering with the evidence.

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

5. Considering the rival submissions of learned counsel for parties and without expressing any opinion on the merits of the case, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is **allowed**.

6. Let the **applicant- Dharmendra Kumar** 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 tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
and,
- (iii) the applicant shall appear on each and every date fixed by 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 :- 31.10.2023

Saif