

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 43486 of 2023

**Applicant :-** Rakesh

**Opposite Party :-** State Of Up Through Principle Secretary (Home)

**Counsel for Applicant :-** Mohammad Belal

**Counsel for Opposite Party :-** G.A.

**Hon'ble Umesh Chandra Sharma,J.**

1. Heard 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.609 of 2023, under Section 2(B)(i)/3(1) of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station Chandpur, District Bijnor, 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 three case shown in the gang chart. The details of criminal cases have been mentioned in paragraph-8 of the affidavit accompanying the bail application. He has been falsely implicated in the present case due to police rivalry. He is not the member of any gang. It is further stated that there is no other criminal history of the applicant. The applicant is languishing in jail since 12.07.2023. 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 facts, circumstances and the submissions made but without expressing any opinion on the merits of the case, this Court is of opinion that the applicant has made out a case for grant of bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Rakesh**, involved in the aforesaid case 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