

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43928 of 2023

Applicant :- Sushil Kumar Gupta

Opposite Party :- State of U.P.

Counsel for Applicant :- Devottam Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, 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. 352 of 2023, under Sections 2/3 (1) of U.P. Gangster Act, 1986, Police Station- Rasra, District- Ballia, during the pendency of trial.
3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case due to ulterior motive. In the gang-chart only one case has been shown against the applicant, in which he has already been enlarged on bail. Copy of the bail order has been annexed as **Annexure No. 3**, with the application supported with the affidavit. In addition to that **four other cases** of criminal history has been explained in the affidavit, in which the applicant has already been enlarged on bail, which is mentioned in para 09 of the affidavit. Learned counsel for the applicant has filed certified copy of the FIR and char-sheet through supplementary affidavit. The applicant is not the member of any gang. The applicant has no criminal antecedent to his credit except the cases mentioned in the affidavit. The applicant is in jail since **19.08.2023**. In case, he is enlarged on bail, he 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 applicant is entitled to be enlarged on bail.

6. Let the applicant - **Sushil Kumar Gupta**, 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 :- 9.11.2023

Vinod.