Court No. - 72
Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43947 of 2023
Applicant :- Shivam
Opposite Party :- State of U.P.
Counsel for Applicant :- Bhupendra Singh,Shravana Kumar Yadav
Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. Heard Sri Bhupendra Singh, learned counsel for the applicant as well as Sri R.P. Patel, learned AGA for the State and perused the material placed on record.

2. Applicant seeks bail in Case Crime No. 221 of 2023, under Sections 2 & 3 of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station Friends Colony, District Etawah, during the pendency of trial.

3. It is argued by the learned counsel for the applicant that the prosecution under the Gangsters Act has been launched against the applicant on the basis of one criminal case shown in the gang chart in which he has already been enlarged on bail by the court concerned. Criminal history of one more case has been assigned to the applicant which has been explained. He has been falsely implicated in the present case due to police rivalry. He is not a member of any gang. The applicant is not a previous convict. The applicant is languishing in jail since 19.09.2023 and in case, he is enlarged on bail, he will not misuse the liberty of bail.

4. Per contra, learned A.G.A. has vehemently opposed the bail prayer of the applicant.

5. Without expressing any opinion on the merits, the bail application is **allowed**. Let the applicant **Shivam** involved in aforesaid 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 with the following conditions that :-

i. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.

ii. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

6. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 16.10.2023
Siddhant

Digitally signed by :-
SIDDHANT SAHU
High Court of Judicature at Allahabad