

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43739 of 2023

Applicant :- Mithun Jadaun @ Ashu And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Onkar Nath

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Avanish Kumar, Advocate holding brief of Sri Onkar Nath, learned counsel for the applicants, Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. By means of the present bail application, the applicants seek bail in Case Crime No. 201 of 2023, under Section 2/3 of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station- Pilua, District- Etah, during the pendency of trial.
4. It is argued by the learned counsel for the applicants that the prosecution under the Gangsters Act have been launched against the applicants on the basis of one criminal case shown in the gang chart in which they have already been enlarged on bail by the court concerned. The details of criminal case have been mentioned in paragraph-6 to the affidavit accompanying the bail application. They have been falsely implicated in the present case due to police rivalry. They are not the member of any gang. It is further stated that there are no other criminal history of the applicants. The applicants are languishing in jail since 27.9.2023. In case, the applicants are released on bail, they will not misuse the liberty of bail.
5. On the other hand, learned AGA opposed the prayer for bail.
6. Without expressing any opinion on the merits, the bail application is allowed. Let the applicants **Mithun Jadaun @ Ashu** and **Harsh Jaudan**, involved in 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 with the following conditions that :-

- i. The applicants shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
- ii. The applicants shall cooperate in the trial sincerely without seeking any adjournment.
- iii. The applicants shall not indulge in any criminal activity or commission of any crime after being released on bail.

7. 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 applicants and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 13.10.2023

Vikas

[Krishan Pahal, J.]