

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44121 of 2023

Applicant :- Shahnawaj

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Waseem

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned AGA 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. 0307 of 2023, under Sections 3 (1) U.P Gangster & Anti Social Activities (Prevention) Act, 1986, Police Station- Mugalsarai, District Chandauli, during the pendency of trial.
3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. 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 one criminal case shown in the gang chart. The details of criminal case has been mentioned in paragraph no. 09 of the affidavit accompanying the bail application. He has been been falsely implicated in the present case due to enmity with the police. 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 in jail since **01.10.2023**. 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 **Shahnawaj**, 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.
- (iv) shall appear before the concerned S.H.O. on any day of first week of every month till the further order of 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 :- 3.11.2023

Vinod.