

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44128 of 2023

Applicant :- Ramprakash @ Pranshu Gupta

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Kumar, Vijay Bahadur Shivhare

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. 473 of 2023, under Sections 3 (1) of the U.P. Gangster & Anti Social Activities (Prevention) Act, 1986, Police Station- Sumerpur, District- Hamirpur,, 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 two criminal cases. The details of criminal cases has been mentioned in paragraph no. 7 and 10 of the affidavit accompanying the bail application. Copies of the bail orders have been annexed as Annexure Nos. 3 & 5. He has been been falsely implicated in the present case due police interference and *party bandi*. 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 **13.08.2023**. In case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A 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 - **Ramprakash @ Pranshu 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 :- 3.11.2023

Vinod.