Court No. - 72
Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44760 of 2023
Applicant :- Rizwan And Another
Opposite Party :- State of U.P.
Counsel for Applicant :- Kamlesh Kumar Singh
Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. Heard Sri Kamlesh Kumar Singh, learned counsel for the applicants as well as Sri O.P. Mishra, learned AGA for the State and perused the material placed on record.

2. Applicants seek bail in Case Crime No. 109 of 2023, under Section 3(1) of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station Shahabganj, District Chandauli, during the pendency of trial.

3. It is argued by the learned counsel for the applicants that the prosecution under the Gangsters Act has been launched against the applicants on the basis of one criminal case each shown in the gang chart in which they has already been enlarged on bail by the court concerned. They have been falsely implicated in the present case due to police rivalry. They are not the member of any gang. The applicants are not the previous convict. The applicants are languishing in jail since 21.09.2023 and in case, they are enlarged on bail, they will not misuse the liberty of bail.

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

5. Without expressing any opinion on the merits, the bail application is **allowed**. Let the applicants **Rizwan** and **Munna** involved in aforesaid crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that :-

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

2. The applicants shall cooperate in the trial sincerely without seeking any adjournment.

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

Order Date :- 26.10.2023
Siddhant

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