

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44664 of 2023

Applicant :- Shri Vinay Kumar Tiwari And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Krishna Agarawal, Kushagra Agrawal

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicants states that he does not wish to press the short-term bail/parole application no.1 of 2023.

2. Accordingly, same is rejected as non-pressed.

3. Heard learned counsel for the applicants as well as learned A.G.A. for the State of U.P. and perused the record.

4. The instant bail application has been filed with the prayer to enlarge the applicants on bail in Case Crime No. 194 of 2023, under Section 2/3 of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Jamunapuar, District - Mathura, during the pendency of the trial.

5. Learned counsel for the applicant submits that according to the gang chart, only one case has been shown against the applicant on which basis proceeding of Gangsters Act have been initiated against them and in the said case they have been enlarged on bail. The bail orders have been annexed as Annexure No. 3 with the affidavit. It is further contended that the applicants are neither a gang leader nor a member of any gang. The criminal history of the applicant has been explained in para7 of the affidavit accompanying the petition. The applicant is in jail since 17.04.2023.

6. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

7. Considering the rival submissions of learned counsel for parties, material available on record as well as in light of the submission of counsel for the applicants to the effect that while on bail in this case, the applicant would not commit any crime/offence nor would

try to tamper the evidence or influence the witnesses in any manner, whatsoever it may be, and without expressing any opinion on the merits of the case, I am of the view that the applicants are entitled to be released on bail. Accordingly, the bail application is allowed.

8. Let the applicants- **Shri Vinay Kumar Tiwari** and **Shri Satendra Singh** involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- (i) the applicants shall not tamper with the prosecution evidence;
- (ii) the applicants shall not pressurize the prosecution witnesses;
- and,
- (iii) the applicants shall appear on each and every date fixed by the trial court.

9. 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 :- 19.10.2023

S.Verma