

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45004 of 2023

Applicant :- Manoj Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Jitendra Kumar Mishra, Lok Nath Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
2. By means of the present bail application, the applicant seeks bail in Case Crime No.191 of 2023, under Section 2/3 of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station Sector-20 Noida, District Gautam Budh Nagar, during the pendency of trial.
3. 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 two cases shown in the gang chart. The details of criminal cases have been mentioned in paragraph-4 of the affidavit accompanying the bail application in which he has been enlarged on bail. There is criminal history of four more cases against the applicant which are triable by the Magistrate which has been explained in paragraphs-9 to 12 of the bail application out of which in three cases the applicant has been acquitted and in one he has been enlarged on bail. He has been falsely implicated in the present case due to police rivalry. He is not the member of any gang. The applicant is languishing in jail since 26.09.2023. In case the applicant is released on bail, he will not misuse the liberty of bail.
4. Learned AGA opposed the prayer for bail but has not disputed the aforesaid submissions of learned counsel for the applicant.
5. Having regard to the facts, circumstances of the case and submission made but without expressing any opinion on the merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Manoj Kumar**, involved in 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 with the following conditions that :-

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

ii. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

iii. The applicant 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 applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 1.11.2023

Shahroz