

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44862 of 2023

Applicant :- Dhanesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Saurabh Pandey, Vaibhav Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicant has filed supplementary affidavit today in Court, which is taken on record.

2. Heard learned counsel for the applicant, learned A.G.A for the State and perused the record.

2. By means of this bail application applicant seeks bail in Case Crime No. 68 of 2023, under Sections 3 (1) Gangster & Anti-Social Activities (Prevention) At-1986, Police Station Shahganj, District - Sonbhadra, during the pendency of trial.

3. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. In the gang chart the applicant have only two criminal cases, in which he has already been enlarged on bail. Copy of the bail order is annexed as Annexure No. 3 to the affidavit. In addition to that, the applicant have only one criminal history, in which he has also been enlarged on bail. Copy of the bail order is annexed as Annexure No. SA-1 to the supplementary affidavit. Learned counsel for the applicant further contended that co-accused Sunil Gupta, Miya, who has been assigned the similar role has already been enlarged on bail by the Co-ordinate Bench of this Court *vide Criminal Misc. Bail Application No. 44891 of 2023 on 01.11.2023*. There is no previous criminal history to the credit of applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant claims parity, he is in jail since 07.08.2023. In case he is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA has vehemently opposed the bail application but he could not dispute the submission made above.

6. Having regard to the facts, circumstances and the submissions made but without commenting on 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.

7. Let the applicant - **Dhanesh**, 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.

8. 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 :- 16.11.2023

Vinod/Shahroz