Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44972 of 2023

Applicant :- Himmat Singh
Opposite Party :- State of U.P.
Counsel for Applicant :- Santosh Kumar Dubey
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.163 of 2023, under Section 3(1) of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station Aurai, District Sant Ravidas Nagar (Bhadohi), 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 one case 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 no other criminal history against the applicant. He has been falsely implicated in the present case due to police rivalry. He is not the member of any gang. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 28.07.2023. In case the applicant is released on bail, he will not misuse the liberty of bail and will co-operate with the trial.

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 - **Himmat Singh**, 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

Digitally signed by :-
SHAHROJ ALAM
High Court of Judicature at Allahabad