

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45381 of 2023

Applicant :- Shambhu Ram And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Nandlal, Nitin Chandra Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Nitin Chandra Mishra, learned counsel for the applicants, learned A.G.A. for the State and perused the records.

2. The instant bail application, has been filed with a prayer to enlarge the applicants on bail in Case Crime No. 74 of 2023, under Sections 3 (1) of the U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986, Police Station- Tarya Sujan, District- Kushinagar, during pendency of the trial.

3. Counsel for the applicants submits that the applicants have been falsely implicated by the police in the instant case due to some ulterior motive. He further contends that on the basis of nine criminal cases triable by the court of Magistrate concerned, the proceedings under the Gangster Act has been lodged against the applicants. In the aforesaid case the accused-applicants have already been enlarged on bail. Copies of the bail orders have been annexed as Annexure No.4 with the application. The applicants have no criminal antecedent in their credit except the cases mentioned in the affidavit. He is in jail since 10.10.2022, in case they are enlarged on bail, they will not misuse the said liberty.

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

5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.

6. Let the applicants, Shambhu Ram and Pratap Kumar, involved in the aforesaid case be released on bail on their 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 temper with the prosecution evidence;
- ii. the applicants shall not pressurize the prosecution witness;
- iii. the applicants shall appear on each and every date fixed by the trial court.

7. 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.