

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47804 of 2023

Applicant :- Dhanveer

Opposite Party :- State of U.P.

Counsel for Applicant :- Omvir Singh Rajpoot

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Omvir Singh Rajpoot, learned counsel for the applicant, learned A.G.A for the State-opposite party and perused the record.
2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 79 of 2023, under Sections 2/3 (1) of U.P. Gangster Act, 1986, Police Station- Marhab, District- Etawah, during the pendency of trial.
3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case due to enmity. In the gang-chart only **three cases** have been shown against the applicant, in which he has already been enlarged on bail. Copy of the bail order has been annexed as **Annexure No. 3**, with the application supported with the affidavit. In addition to that **five other cases** of criminal history has been explained in the affidavit, in which the applicant has already been enlarged on bail, which is mentioned in para 04 of the supplementary affidavit. It is next contended that the co-accused **Veerpal Singh**, having identical role, has been granted bail by this Court in ***Criminal Misc. Bail Application No. 36440 of 2023*** vide order dated 21.08.2003. Copy of the bail order is annexed as **Annexure SA-1** to the affidavit supported with the application. The applicant is not the member of any gang. The applicant has no criminal antecedent to his credit except the cases mentioned in the affidavit. The applicant claims parity. The applicant is in jail since 20.05.2023. In case, he is enlarged on bail, he 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 applicant is entitled to be enlarged on bail.

6. Let the applicant – **Dhanveer**, 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.

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 :- 21.11.2023

Vinod.