Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46138 of 2023

Applicant :- Shabir
Opposite Party :- State of U.P.
Counsel for Applicant :- Ajeet Srivastava
Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State of U.P. and perused the record.

2. The instant bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 302 of 2023, under Section 2/3 of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Rampur Maniharan, District- Saharanpur, during the pendency of the trial.

3. Learned counsel for the applicant submits that according to the gang chart, one case has been shown against the applicant and in the said case the applicant has been enlarged on bail. The bail order has been annexed with the affidavit as Annexure No. 3. It is further contended that the applicant is neither a gang leader nor a member of any gang. The criminal history of the applicant has been explained in para 8 of the affidavit accompanying the petition. The applicant is in jail since 05.10.2023.

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

5. Considering the rival submissions of learned counsel for parties, material available on record as well as in light of the submission of counsel for the applicant to the effect that while on bail in this case, the applicant would not commit any crime/offence nor would try to tamper the evidence or influence the witnesses in any manner, whatsoever it may be, and without expressing any opinion on the merits of the case, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is allowed.

6. Let the applicant- **Shabir** involved in the aforesaid case, be

released on bail on his 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 applicant shall not tamper with the prosecution evidence;
(ii) the applicant shall not pressurize the prosecution witnesses; and,
(iii) the applicant 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 :- 8.11.2023
S.Verma

Digitally signed by :-
SANDEEP KUMAR VERMA
High Court of Judicature at Allahabad