

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 46354 of 2023

**Applicant :-** Dipanshu @ Pahalwan Tomar

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Ulajhan Singh Bind

**Counsel for Opposite Party :-** G.A.

**Hon'ble Umesh Chandra Sharma,J.**

1. Heard 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. 467 of 2020, under Sections 2/3 of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station- Budhana, District- Muzaffar Nagar, during the pendency of trial.
3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. According to Gang-Chart, there is only one case against the applicant, which is registered as Case Crime No. 540 of 2019, under Sections 302 and 506 I.P.C. in which the applicant has already been released on bail. Copy of the bail order has been annexed as Annexure No. 3 to the affidavit. Applicant has no criminal history to his credit except this case. He is not the member of any gang. The applicant is in jail since 30.01.2020. In case, he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA 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 - **Dipanshu @ Pahalwan Tomar**, 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 :- 22.11.2023**  
Vinod/Shahroz