

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46293 of 2023

Applicant :- Dayaram Singh @ Vikash

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Saxena

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Rahul Saxena, learned counsel for the applicant, 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 applicant on bail in Case Crime No. 33 of 2023, under Sections 2/3 of the U.P. Gangsters & Anti-Social Activities (Prevention) Act, 1986, Police Station- Fatehganj West, District- Bareilly, during pendency of the trial.

3. Counsel for the applicant submitted that the applicant is not named in the F.I.R and has been falsely implicated the present case. On the basis of one case under Section 302 I.P.C, in which the name of the applicant came into picture during confessional statement of the co-accused, the proceedings of the Gangsters Act has been launched against the applicant, in which, the applicant is on bail. Copy of the bail order have been annexed as Annexure 3. with the affidavit. Except one case there is no other criminal history to the credit of applicant. Learned counsel for the applicant has further contended that the co-accused **Shubham Kumawat** and **Vikas Kashyap @ Vikas Bhalla** having similar role, has already been enlarged on bail by the Co-ordinate Bench of this Court in **Criminal Misc. Bail Application Nos. 21870 of 2023** and **12815 of 2023**, vide orders dated 11.08.2023 and 18.04.2023 respectively. Copies of the bail orders provided by the learned counsel for the applicant is taken on record. The applicant claims parity. The applicant has no criminal history, he is in jail since 07.10.2023, 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, **Dayaram Singh @ Vikash**, 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 temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- 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 :- 22.11.2023

Vinod/Shahroz