

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48169 of 2023

Applicant :- Chhotey Alias Biltuwa

Opposite Party :- State of U.P.

Counsel for Applicant :- R.K Singh Gaharwar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri R.K Singh Gaharwar, learned counsel for the applicant, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.161 of 2009, under Section 2/3 UP Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station Barla, District Aligarh, during the pendency of trial.

3. It is a case of abscondence. Initially the applicant was enlarged on bail on 07.07.2010 and since 12.09.2012 he is absconding and did not appear in the trial court, therefore, the concerned case has been delayed. At present he is in jail since 18.07.2023.

4. It is argued by the learned counsel for the applicant that the applicant was in jail in connection of a case under Section 307 IPC and he was summoned in the concerned case from the jail. The applicant has been falsely implicated in this case due to police rivalry. He is not the member of any gang. There is no independent witness against him. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 18.07.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail though he admits that there is no recent criminal case against the applicant and also he could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant.

5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail.

Accordingly, the bail application is allowed.

6. Let the applicant - **Chhotey Alias Biltuwa**, 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;

(iv) shall not leave the District Aligarh without prior permission to 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.

8. However, the concerned court is directed that the case of the applicant would be decided preferably within a period of six months from the date of production of certified copy of this order and thereafter a compliance report would also be sent to this Court through Registrar (Compliance).

Order Date :- 29.11.2023

Shahroz