

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47098 of 2023

Applicant :- Narendra @ Chhotu

Opposite Party :- State of U.P.

Counsel for Applicant :- Surendra Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1.Learned counsel for the applicant has filed supplementary affidavit today, taken on record.

2. Heard Sri Surendra Kumar Tripathi, learned counsel for the applicant, learned AGA for the State and perused the record.

3. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.249 of 2023, under Section 2/3 UP Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station Sadar Bazar, District Agra during the pendency of trial.

4. It is argued by the learned for the applicant that on the basis of two cases shown in the gang chart the proceeding under section Gangster Act has been lodged against the applicant, in which the applicant is on bail. Rest two cases have also been explained in the original affidavit annexed with the application.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 05.04.2023. In case the applicant is released on bail, he will not misuse the said liberty.

5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant.

6. 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.

7. Let the applicant - **Narendra @ Chhotu**, 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.

78 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 :- 11.12.2023

RPD