

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47237 of 2023

Applicant :- Vikash Malik

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Mullick

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

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

2. Heard Sri Anil Mullick, 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. 29 of 2023, under Section 2/3 of the U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986, Police Station Rohta, District Meerut, during the pendency of trial.

. Counsel for the applicant submits that the applicant is a student, he has been falsely implicated by the police in the instant case. He further contends that on the basis of three criminal cases triable by the Court of Magistrate, the proceedings under the Gangster Act has been launched against the applicant. In the aforesaid cases the accused-applicant has already been enlarged on bail. Copies of the bail orders have been annexed as Annexure Nos. 3 & 4 respectively with the application. In addition to that another criminal history has been explained in para 3 of the supplementary affidavit, in which final report has been submitted in favour of the applicant, copy of the report has been annexed as Annexure SA-1. It is next contended that the co-accused- Nitin @ Kallu Kabadi and Sushil Phauji, having identical role, has been granted bail by coordinate Benches of this Court in ***Criminal Misc. Bail Application Nos. 12084 of 2023 and 11935 of 2023***, vide order dated 20.04.2023 and 27.07.2023 respectively. Copies of the bail orders have been annexed as Annexure Nos. 6 & 7 to the affidavit. The applicant claim parity. The applicant is in jail since 12.10.2023. 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 made by the counsel for the applicant.

5. Having regard to 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.

6. Let the applicant - **Vikash Malik**, 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 :- 11.12.2023

Vinod.