

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47934 of 2023

Applicant :- Virat Pachauri

Opposite Party :- State of U.P.

Counsel for Applicant :- Vineet Vikram, Imran Ullah

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA; Shri Vibhu Rai, learned counsel for the informant and perused the record.

2. The FIR in question was lodged under U.P. Gangsters and Anti Social Activities (Prevention) Act in which two cases are shown against the applicant. It is argued that the applicant is on bail in both the said cases; the bail orders are available on record. He further argues that the recording in the gang chart that the said two cases are leading to a 'public order' problem is *prima-facie* not satisfied in view of the two offences which can in worst case be termed as a 'law and order' problem. He relies upon an order passed by this Court in the case of **Angad Rai alias Jhullan Rai v. State of U.P. (Criminal Misc. Bail Application No.42050 of 2023)** decided on **03.11.2023**.

3. Learned AGA has opposed the bail application.

4. Considering the fact that the applicant is on bail in both the cases referred to in the gang chart and *prima-facie*, the said cases cannot be termed as creating a 'public order' problem, and relying upon the order in the case of **Angad Rai alias Jhullan Rai (supra)**, the applicant is entitled to be enlarged on bail. In view thereof, the application is **allowed**.

5. Let the applicant **Virat Pachauri** be released on bail in FIR No.178 of 2023, under Section 2/3 of U.P. Gangsters and Anti Social Activities (Prevention) Act, P.S. Banna Devi, District Aligarh on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the

offence of which he is accused or suspected of the commission;
and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 8.11.2023

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