

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47922 of 2023

Applicant :- Sunita

Opposite Party :- State of U.P.

Counsel for Applicant :- Anjani Kumar Shahwal

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. By means of the present bail application, the applicant seeks bail in Case Crime No.01 of 2022, under Section 2/3 of U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station Mansoori, District Ghaziabad, during the pendency of trial.

3. It is argued by the learned counsel for the applicant that the prosecution under the Gangsters Act has been launched against the applicant on the basis of cases shown in the gang chart. Apart from the cases mentioned in the gang charge there is criminal history of two other cases against the applicant which have been mentioned in paragraph-10 of the affidavit accompanying the bail application in which applicant has been enlarged on bail. It is next contended that the co-accused person Indrajeet Singh has already been enlarged on bail by co-ordinate Bench of this Court. She has been falsely implicated in the present case due to police rivalry. She is not the member of any gang. There is no likelihood of her abscondence or tampering with the evidence. The applicant is languishing in jail since 06.01.2023. In case, the applicant is released on bail, she will not misuse the said liberty.

4. Learned AGA opposed the prayer for bail but has not disputed the aforesaid submissions of learned 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 - **Sunita** involved in the aforesaid case crime be released on bail on her 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 :- 8.11.2023

Imtiyaz