Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48736 of 2023

Applicant :- Kalua
Opposite Party :- State of U.P.
Counsel for Applicant :- Arvind Kumar Verma,Anemash Kumar Kushwaha
Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.

2. Heard Sri Anemash Kumar Kushwaha, learned counsel for the applicant, Sri R.M. Yadav, learned A.G.A. for the State and perused the material placed on record.

3. By means of the present bail application, the applicant seeks bail in Case Crime No.490 of 2023, under Section 2/3 of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station- Kotwali, District- Mathura, during the pendency of trial.

4. It is argued by the learned counsel for the applicant that the prosecution under the Gangsters Act have been launched against the applicant on the basis of one criminal case shown in the gang chart in which he has already been enlarged on bail by the court concerned. The detail of criminal case has been mentioned in paragraph 8 to the affidavit accompanying the bail application. He has been falsely implicated in the present case due to police rivalry. He is not the member of any gang. Learned counsel has further stated that the criminal history of one case assigned to the applicant stands explained. The applicant is languishing in jail since 18.10.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail.

5. On the other hand, learned A.G.A. opposed the prayer for bail.

6. Without expressing any opinion on the merits, the bail application is allowed. Let the applicant- **Kalua,** involved in aforementioned case 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 with the following conditions that :-

(i). The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
(ii). The applicant shall cooperate in the trial sincerely without seeking any adjournment.
(iii). The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 23.11.2023
Ravi Kant

(Krishan Pahal, J.)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad