Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49061 of 2023

Applicant :- Durgesh Gaud
Opposite Party :- State of U.P.
Counsel for Applicant :- Deepak Kumar Tripathi
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. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.318 of 2023, under Section 3(1) UP Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station Bakhira, District Sant Kabir Nagar, 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 one case shown in the gang chart in which he has been enlarged on bail which has been explained in paragraph-6 of the affidavit filed in support of the bail application. He has been falsely implicated in the present case due to police rivalry. 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 27.10.2023. In case the applicant is released on bail, he will not misuse the said liberty.

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

5. 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.

6. Let the applicant - **Durgesh Gaud**, 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 :- 20.11.2023
Shahroz

Digitally signed by :-
SHAHROJ ALAM
High Court of Judicature at Allahabad