Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49488 of 2023

Applicant :- Shailesh Paswan
Opposite Party :- State of U.P.
Counsel for Applicant :- Sanjay Shukla
Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State of U.P. and perused the record.

2. The instant bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 391 of 2023, under Section 3(1) of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Chauri Chaura, District-Gorakhpur, during the pendency of the trial.

3. Learned counsel for the applicant submits that according to the gang chart, 3 cases have been shown against the applicant on which basis the proceeding of Gangster Act, has been initiated against the applicant and in those cases the applicant has been enlarged on bail. The bail orders have been annexed as Annexure Nos. 3, 4 & 5 to the affidavit. It is further contended that the applicant is neither a gang leader nor a member of any gang. The applicant is in jail since 30.9.2023.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the development as above and the fact that after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Shailesh Paswan**, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two

sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

(i) the applicant shall not tamper with the prosecution evidence;
(ii) the applicant shall not pressurize the prosecution witnesses; and,
(iii) the applicant shall appear on each and every date fixed by the trial court.

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 :- 6.12.2023
S.Verma

Digitally signed by :-
SANDEEP KUMAR VERMA
High Court of Judicature at Allahabad