

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50634 of 2023

Applicant :- Ajay Patel And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Sudarshan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicants, learned AGA for the State and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicants on bail in Case Crime No.245 of 2023, under Section 3(1) UP Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station Ali Nagar, District Chandauli, during the pendency of trial.
3. It is argued by the learned counsel for the applicants that the prosecution under the Gangsters Act has been launched against the applicants on the basis of seven cases shown in the gang chart which are triable the Magistrate in which they have been enlarged on bail which has been explained in paragraph-7 of the affidavit filed in support of the bail application. They have been falsely implicated in the present case due to police rivalry. They are not the member of any gang. There is no independent witness against them. There is no likelihood of their abscondence or tampering with the evidence. The applicants are languishing in jail since 19.07.2023. In case the applicants are released on bail, they will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions 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 applicants are entitled to be enlarged on bail. Accordingly, the bail application is allowed.
6. Let the applicants - **Ajay Patel** and **Raju Das**, involved in the aforesaid case crime be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that

they:

(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 :- 28.11.2023

Shahroz