

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51469 of 2023

Applicant :- Ram Ji Alias Santosh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashok Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Sanjay Srivastava, learned counsel for the applicant, learned A.G.A. for the State and perused the records.

2. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in G.S.T No. 43 of 2012, arising out of Case Crime No. 196 of 1999 under Sections 2/3 of the U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986, Police Station- Karvi , District- Chitrakoot, during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated by the police in the instant case due to mala-fide intention and ulterior motive of police. He further contends that on the basis of two criminal cases triable by the Court of Magistrate, the proceedings under the Gangster Act has been launched against the applicant. In both the cases the accused-applicant has been acquitted by the trial court. Copies of the judgment have been annexed as Annexure Nos. 02 & 03 with the application. The applicant has no criminal antecedent in his credit except the cases mentioned in the affidavit. He is in jail since 01.11.2023, in case he is enlarged on bail, his will not misuse the said liberty.

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 submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Ram Ji Alias Santosh**, 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 temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- 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 :- 7.12.2023

Vinod.