

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51385 of 2023

Applicant :- Arun Kumar Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Bhavesh Singh Jadaun

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Bhavesh Singh Jadaun, learned counsel for the applicant, learned A.G.A for the State-opposite party and perused the record.

2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 258 of 2022, under Sections 3 (1) of the U.P. Gangster & Anti Social Activities (Prevention) Act, 1986, Police Station- Lar, District- Deoria, 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 criminal case shown in the gang chart. The details of criminal case has been mentioned in paragraph no. 07 of the affidavit accompanying the bail application. Copy of the bail order has been annexed as Annexure No. 3. He has been been falsely implicated in the present case due to enmity with the police. He is not the member of any gang. It is further stated that there is no other criminal history of the applicant except the present case. It is next contended that the co-accused- Raj Kumar Sharma and Kumkum Devi, having identical role, have been enlarged on bail by Coordinate Bench of the Court in ***Criminal Misc. Bail Application No. 6009 of 2023***, vide order dated 22.03.2023. Copy of the bail order has been annexed as Annexure 4 to the affidavit. The applicant claims parity. The applicant is in jail since 08.07.2022. In case, he is enlarged on bail, he 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 - **Arun Kumar Sharma**, 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 :- 7.12.2023

Vinod.