

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52303 of 2023

Applicant :- Nazim

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Kumar

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.266 of 2023, under Section 2/3 UP Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station Dadri, District Gautam Budh 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 five cases, triable by the Magistrate, shown in the gang chart in which he has already been enlarged bail which have been explained in paragraph-7 of the affidavit filed in support of the bail application. It is further contended that apart from the cases shown in the gang chart, there is criminal history of two more cases against the applicant which has also been explained in paragraph-7 of the said affidavit in which also he has already been enlarged bail. The applicant has been falsely implicated in this case due to police rivalry. He is not the member of any gang. There is no independent witness against him. It is also contended that the co-accused, Chaman having similar role to that of the present applicant has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 24.11.2023 passed in Criminal Misc. Bail Application No.38231 of 2023, therefore, the applicant is also entitled to be enlarged on bail considering the ground of parity. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 01.11.2023. 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.

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 - **Nazim**, 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;

(iv) shall appear before the concerned SHO to show or establish his bona fide on any day of the first week of every month until further order of the trial court; in this regard the SHO shall maintain attendance register which would thereafter be submitted to 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 :- 13.12.2023

Shahroz