

**Court No. - 14**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 12271 of 2023

**Applicant :-** Chandra Prakash Yadav @ Bauua

**Opposite Party :-** State Of U.P. Thru. Secy. Home Lko.

**Counsel for Applicant :-** Suraj Kumar

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mohd. Faiz Alam Khan,J.**

1. Heard Shri Kumar Nilesh, learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.

2. This bail application has been moved by the accused/applicant- **Chandra Prakash Yadav @ Bauua** for grant of bail, in Case Crime No.286/2023, under Sections 3 (1) U.P. Gangsters Act, 1986, Police Station- Indiranagar, District-Lucknow, during trial.

3. Learned counsel for the accused-applicant while pressing the bail application submits that the applicant has falsely been implicated in this case as well as in the one case mentioned in the gang chart. Attention of this Court has been drawn on the first information report lodged by the informant wherein it is stated that the provisions of the Gangster Act have been invoked against the applicant on the basis of a single case.

4. It is further submitted that in the single case mentioned in the gang chart on the basis of which, the provisions of the Gangsters Act have been invoked against the applicant wherein he has been released on bail by the special Court SC/ST Act, Lucknow vide order dated 09.02.2023 passed in second bail application No.800 of 2023.

5. It is also submitted that apart from the above mentioned single case, the applicant is not involved in any other criminal case and there is no apprehension that after being released on bail, the applicant may flee from the course of law or may otherwise misuse the liberty. Otherwise also the material which has been collected by the information in order to invoke the Gangsters Act is not sufficient enough to raise a presumption that the applicant is either guilty of the offence or may commit the same offence again if the facility of bail is granted to him. The applicant is in jail in this case since 19.08.2023 and he is not having any criminal history except above mentioned case.

6. Learned A.G.A., however, opposes the prayer of bail of the applicant, however could not refute the submission made on

behalf of the applicant that on the basis of single case, provisions of Gangsters Act have been invoked and in that case, he has been released on bail by a competent Criminal Court and apart from the single case on the basis of which, the Gangsters Act has been slapped against him, he is not indulged in any criminal activity.

7. Charge-sheet in this case has already been filed. Applicant is in jail in this case since 19.08.2023. The presence of the applicant could be secured before the trial court by placing adequate conditions.

8. Having regard to the overall facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is thus **allowed**.

9. Let the accused/applicant- **Chandra Prakash Yadav @ Bauua** involved in above-mentioned case, be released on bail on his furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. Identity, status and residence proof of the applicant and sureties be verified by the Court concerned before the bonds are accepted.

12. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression of this Court on the merits of the case.

**Order Date :- 16.10.2023/Gurpreet Singh**