

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14229 of 2023

Applicant :- Upendra Tiwari @ Monu Tiwari

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

Counsel for Applicant :- Satyendra Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Satyendra Tiwari, learned counsel for the applicant, Sri Ravish Chandra Mishra, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.0202 of 2020, under Sections 2/3 U.P. Gangster & Anti Social Activities (Prevention) Act, registered at Police Station Krishna Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 18.04.2020 against 9 persons, including the applicant, alleging that the accused persons had formed a gang and they are involved in commission of heinous offences. Gang chart mentions involvement of the applicant in a solitary case in which he has already been granted bail.

4. In the affidavit filed in support of bail application, applicant's involvement in 4 other cases has been disclosed in para 8, 9 and 10, one of which he stands acquitted and in rest of 3 cases the applicant has been granted bail.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated in the present case on the basis of his involvement in a

solitary case and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

7. Accordingly, this bail application stands **allowed**.

8. Let the **applicant-Upendra Tiwari @ Monu Tiwari** be released on bail in aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 4.12.2023
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