

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7081 of 2024

Applicant :- Sushil Rathaur

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

Counsel for Applicant :- Girish Kumar Pande, Prashant Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Chandra Sharma, J.

1. Instant bail application has been heard through video conferencing from the Principal Bench of High Court of Judicature at Allahabad.
2. Heard learned counsel for the applicant and Mr. Ravish Chandra Mishra, learned A.G.A. for the State and perused the record.
3. Instant bail application under Section 439 Cr.P.C. has been preferred by the applicant with a prayer to release him on bail in respect of case crime No. 155 of 2024 under Section 3(1) of U.P. Gangsters and Anti-Social Activities (Prevention) Act, Police Station-Ashiyana, District-Lucknow.
4. It is submitted that applicant has been falsely implicated in this case on the basis of the six cases as shown in the gang chart, which has been explained in paragraph No. 7 of the affidavit filed in support of the bail application. Apart from the cases mentioned in gang chart, applicant has no other criminal antecedents to his credit. It is further submitted that co-accused Naseem @ Golu has already been enlarged on bail by this Court vide order dated 27.06.2024 passed in Criminal Misc. Bail Application No. 6993 of 2024 and the case of the present applicant is on similar footing. Applicant is languishing in jail since 03.02.2023 and in case he is released on bail, he will not misuse the liberty of bail and will co-operate in the trial. It is lastly submitted that no bail cancellation application has been moved till today regarding the case shown in the gang chart.
5. Learned A.G.A. opposed the prayer for bail but he did not dispute the fact that applicant has been released on bail in all the cases shown in the gang chart.

6. Considering the nature of offence, provision for initiation of cases and release of the accused in U.P. Gangster and Anti Social Activities (Prevention) Act, evidence, complicity of the accused, severity of punishment, submissions made by learned counsel for the parties and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

7. Let the applicant-**Sushil Rathaur** involved in Case Crime No. 155 of 2024, under Section U.P. Gangsters and Anti-Social Activities (Prevention) Act, Police Station-Ashiyana, District-Lucknow be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:

- i. The applicant will not tamper with the evidence during the trial.
- ii. The applicant will not pressurize/intimidate the prosecution witnesses.
- iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- iv. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- v. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. 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 :- 17.10.2024

Karan