Court No. - 91

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42672 of 2020

Applicant :- Shiv Kumar
Opposite Party :- State of U.P.
Counsel for Applicant :- Shri Chandra
Counsel for Opposite Party :- G.A.

Hon'ble Gautam Chowdhary,J.

Heard learned counsel for the applicant and learned A.G.A. for the State and perused the material brought on record.

The present bail application has been filed on behalf of the applicant **Shiv Kumar** with a prayer to release him on bail in Case Crime No. 136 of 2020, under Sections 3(1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station- G.R.P. Kanpur Nagar, District- Kanpur Nagar during pendency of trial.

The main submissions advanced on behalf of accused is that in the four cases which have been made the basis to impose the provisions of Gangsters Act against the accused, he has already been granted bail by the Court. Submission is that the applicant is not a gangster and has never acted or conducted himself as such. Further submission is that as the applicant has already been released on bail in all the cases on the basis of which the provisions of the Act were imposed, it shall not be much justified to continue the incarceration of the applicant. Submission is also that the applicant is not guilty of having committed any offence under the Gangster Act. It has been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. It has also been submitted that the applicant is in jail since 8.6.2020.

Learned AGA for the State has opposed the prayer for bail.

Having considered the material on record, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of ***Dataram Singh Vs. State of U.P. and another, reported in (2018) 3 SCC 22*** and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid 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 with the following conditions that :-

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

2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

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

4. In case the applicant has been enlarged on short term bail as per the order of committee constituted under the orders of Hon'ble Supreme Court his bail shall be effective after the period of short-term bail comes to an end.

5. The applicant shall be enlarged on bail on execution of personal bond without sureties till normal functioning of the courts is restored. The accused will furnish sureties to the satisfaction of the court below within a month after normal functioning of the courts are restored.

6. The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

7. The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

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

Order Date :- 2.12.2020

RPD