

Court No. - 60

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15825 of 2018

Applicant :- Pankaj Yadav @ Nawal Kishore

Opposite Party :- State Of U.P.

Counsel for Applicant :- Virendra Singh Parmar

Counsel for Opposite Party :- G.A.

Hon'ble Ravindra Nath Kakkar,J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The present bail application has been filed for enlarging the applicant on bail in case Crime No. 30 of 2018, under Sections 2/3 U. P. Gangster and Prevention of Anti-Social Activities Act 1986, PS-Kotwali, District-Hamirpur.

Learned counsel for the applicant submits that applicant has been falsely implicated in this case. It is next contended that as per gang chart four cases are alleged to have shown against the applicant being Case Crime No. 296 of 2017 under Sections 379, 411, 467, 471 I.P.C.; Case Crime No. 294 of 2017, under Sections 379, 411, 467, 471 I.P.C.; Case Crime No. 293 of 2017, under Sections 379, 411 I.P.C. and Case Crime No. 252 of 2016, under Sections 379, 411, 467, 471 I.P.C. and in all the aforesaid cases the applicant has been granted bail, copy of the bail orders are collectively annexed as Annexure-2 to the affidavit accompanying the bail application. It is next contended that there is also no possibility of his either fleeing away from the judicial process or tampering with the witnesses and he is in jail since 30.10.2017. Hence the applicant should be released on bail.

Learned A.G.A. has, however, opposed the prayer for bail to the applicant but admitted the fact that applicant has been granted bail in the aforementioned cases shown against him in the gang chart.

Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submission of the learned counsel for the parties and without expressing any opinion on merits of the case, I am of the view that the applicant has made out a case for bail.

Let applicant Pankaj Yadav @ Nawal Kishore be released on bail in the

aforesaid case crime number on his furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to the following conditions:-

- (i) The applicant shall not indulge in any criminal activity.
- (ii) The applicant shall not tamper with the prosecution evidence.
- (iii) The applicant shall not pressurize the prosecution witnesses.
- (iv) The applicant shall regularly appear on the dates fixed by the trial court unless his personal attendance is exempted by the trial court.

In case of default of any of the conditions enumerated above, it will be open to the opposite parties to approach the Court for cancellation of bail.

Order Date :- 30.4.2018
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