

Court No. - 24

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 20882 of 2018

Applicant :- Pawan Saini

Opposite Party :- State Of U.P.

Counsel for Applicant :- Sushil Kumar Chaturvedi

Counsel for Opposite Party :- G.A.

Hon'ble Om Prakash-VII,J.

Certified copy of the bail order passed by the court below filed today is taken on record.

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

It is submitted by learned counsel for the applicant that the applicant is on bail in all the cases shown against him in the gang chart. The applicant has been falsely implicated in the present case due to ulterior motive. There is no reliable evidence against him. It is further submitted that in case the applicant is released on bail, he will not misuse the liberty of bail and will cooperate in the trial. It is further submitted that no bail cancellation application has been moved till today regarding the cases shown in the gang chart.

On the other hand, learned AGA opposed the prayer for bail.

Keeping in view the nature of the 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 of the 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.

Let the applicant Pawan Saini involved in Case Crime No. 274 of 2017 under Section 2/3 U.P. Gangster and Anti Social Activities (Prevention) Act, Police Station G.R.P., District - Agra be released on bail on his furnishing a personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

1. The applicant will not tamper with the evidence during the trial.
2. The applicant will not pressurize/ intimidate the prosecution witness.
3. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
4. 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.
5. 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.

In case of default of any of the conditions enumerated above, complainant is free to move an application for cancellation of bail before this Court.

Order Date :- 31.5.2018

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