

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14643 of 2019

Applicant :- Monu Sharma

Opposite Party :- State Of U.P.

Counsel for Applicant :- Devendra Kumar Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Krishna Pratap Singh,J.

Applicant-Monu Sharma seeks bail in Case Crime No.890 of 2018, under Section 2/3 of U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station-Khandauli, District-Agra.

Heard Sri Devendra Kumar Upadhyay, learned counsel for the applicant as well as Sri S.S.Tiwari, learned AGA for the State and perused the material placed on record.

It is argued by the learned counsel for the applicant that according to the gang chart the applicant is said to have been involved in three criminal cases in which he has already been enlarged on bail by the court concerned and in another one case, which has not been shown in the gang charge, applicant is also on bail, which has properly been explained in para Nos.5 to 9 to the affidavit accompanying the bail application. He has falsely been implicated in the present case due to police rivalry. He is not a member of any gang. It has been further submitted that there is nothing on record to show that applicant has gained any undue temporal pecuniary material for himself or any other person by Gangster and Anti Social Activities acts. It is also submitted that there is no report of District Magistrate/Special Court on record regarding acquisition of any movable or immovable property by the applicant. It was next submitted that the provisions of the Act has been used against the applicant like a weapon to harass and intimidate the innocent applicant. There are no chance of the applicant of fleeing away from the judicial process or tampering with the prosecution evidence. The applicant is languishing in jail since 07.03.2019. In case he is enlarged on bail he will not misuse the liberty of bail.

Per contra learned A.G.A. has opposed the bail prayer of the applicant by contending that the applicant is a member of gang and habitual of committing crime. In case the applicant is released on bail he will again indulge in similar anti-social activities and will misuse the bail by

extending threat and intimidation to the prosecution witnesses.

Considering the submission of learned counsel for the parties, facts of the case, nature of allegation and period of custody, gravity of offence, without expressing any opinion on the merits of the case, the Court is of the opinion that it is a fit case for bail. Hence, the bail application is hereby allowed.

Without expressing any opinion on the merits, let the **applicant Monu Sharma** involved in aforesaid case 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.

It may be observed that in the event of any breach of the aforesaid conditions, the court below shall be at liberty to proceed for the cancellation of applicant's bail.

Order Date :- 30.4.2019

Pr/-