

Court No. - 4

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22968 of 2019

Applicant :- Satish Ravindra @ Ravi Bind

Opposite Party :- State Of U.P.

Counsel for Applicant :- Rajendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Bala Krishna Narayana,J.

Heard learned counsel for the applicant as well as learned AGA for the State and perused the material placed on record.

Applicant-Satish Ravindra @ Ravi Bind seeks bail in Case Crime No.566 of 2018 under Section 3(1) of U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station-Mugal Sarai, District-Chandauli.

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 ten criminal cases in which he has already been enlarged on bail by the court concerned. Copies of bail orders have been collectively filed as Annexure 3 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 chances of the applicant of fleeing away from the judicial process or tampering with the prosecution evidence. The applicant is languishing in jail since 15.12.2018. Lastly, it is also submitted that co-accused Arvind Maurya has already been enlarged on bail vide order dated 20.5.2019 passed by this Court in Crl. Misc. Bail Application No.19582 of 2019, copy whereof was produced by learned counsel for the applicant before the Court at the time of hearing of the case, and which has been taken on record. Therefore, the applicant is also entitled to be released on bail. In case applicant is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

Per contra learned A.G.A. has opposed the bail prayer of the applicant by contending that the innocence of the applicant

cannot be adjudged at pre trial stage, therefore, the applicant does not deserve any indulgence. In case the applicant is released on bail he will misuse the liberty of bail.

On behalf of State bail has been opposed but learned A.G.A. conceded on the point of parity.

In view of the facts and circumstances of the case and the submissions made by learned counsel for both sides and going through the record, without commenting on the merits of the case, I find it a fit case for bail.

Let applicant, Satish Ravindra @ Ravi Bind, be released on bail in the aforesaid case crime number on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions:

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 :- 31.5.2019

Shalini