

**Court No. - 28**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 40193 of 2019

**Applicant :-** Sadab

**Opposite Party :-** State Of U.P.

**Counsel for Applicant :-** Chandra Prakash Pandey, Phool Chandra Saroj

**Counsel for Opposite Party :-** G.A.

**Hon'ble Rajeev Misra, J.**

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

Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case. There is only one case shown in the gang chart against the applicant and in that case the applicant is on bail, bail order has been collectively annexed as Annexure-3 to the affidavit. There is no material on record against the applicant to invoke the provision of Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act 1986. The applicant has no other criminal history and applicant undertakes that he will not misuse the liberty of bail. The applicant is in custody since 29.08.2019.

Learned A.G.A. opposed the prayer of bail but could not dispute the argument made by learned counsel for applicant.

Upon hearing learned counsel for the parties, perusal of record, severity of punishment, totality of facts and circumstances, at this stage without expressing any view on the merits of the case, the Court is of the opinion that it is a fit case for bail.

Let the applicant Sadab be released on bail in Case Crime No. 407 of 2019, under section 2/3 U. P. Gangsters and Anti Social Activities (Prevention) Act, 1986 P.S. Hariparvat, District-Agra, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) The applicant will not tamper with prosecution evidence.
- (ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.
- (iii) The applicant will not indulge in any unlawful activities.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever.

The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

Accordingly, the instant bail application is allowed.

**Order Date :- 30.9.2019**

**HSM**