

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11153 of 2020

Applicant :- Ram Pratap

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Kumar Sharma, Abhas Sharma

Counsel for Opposite Party :- G.A.

Hon'ble J.J. Munir, J.

This is an application for bail on behalf of the applicant Ram Pratap in Case Crime No.1434 of 2016, under Section 2/3, U.P. Gangster & Anti Social Activities (Prevention) Act, 1986, Police Station Kavi Nagar, District Ghaziabad.

Heard Sri Abhas Sharma, learned counsel for the applicant and Sri Indrajeet Singh Yadav, learned AGA along with Sri S.B. Maurya, learned counsel appearing on behalf of the State.

The submission of learned counsel for the applicant is that he has been implicated in the present crime on account of his involvement in Case Crime No.991 of 2016, under Section 302, 307, IPC, Police Station Kavi Nagar, District Ghaziabad, by the police without considering evidence that may show that the applicant is a member or the leader of a criminal gang. It is urged that, in fact, there is no evidence to that effect. It is also argued that the applicant has been involved in the present crime on the basis of a solitary case, which is no more than the offence that has been alleged against him and does not stand to bring the applicant's act within the mischief of the Gangsters Act. It is also urged that the applicant has been admitted to bail in the substantive offence by this Court vide order dated 18.12.2019, passed in Criminal Misc. Bail Application No.27964 of 2019. It is pointed out that the applicant is in jail since 01.08.2016.

Learned AGA has opposed the prayer for bail.

Considering the overall facts and circumstances of the case, the gravity of the offence, the nature of allegations, the severity of punishment, and, in particular, the fact that the applicant has been admitted to bail in the substantive offence and the fact that *prima facie* there is no evidence on record to show that the applicant is a member or the leader of a criminal gang, but without expressing any opinion on merits, this Court finds it to be a fit case for bail.

The bail application, accordingly, stands **allowed**.

Let the applicant **Ram Pratap** in Case Crime No.1434 of 2016, under Section 2/3, U.P. Gangster & Anti Social Activities (Prevention) Act, 1986, Police Station Kavi Nagar, District Ghaziabad, be released on bail on executing his personal bond and furnishing two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions:

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses.
- iii) The applicant shall appear on the date fixed by the Trial Court.
- iv) The applicant shall not commit an offence similar to the offence of which the applicant is accused, or suspected of the commission.
- v) 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 such person from disclosing 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, the complainant would be free to move an application for cancellation of bail before this Court.

It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on merits of the case. It is further clarified that the Trial Court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

Order Date :- 18.3.2020

NSC