

Court No. - 86

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47162 of 2021

Applicant :- Kapil Bhati

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajeev Kumar Rai

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Aslam,J.

Heard Sri Rajeev Kumar Rai, learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

The present bail application has been filed by the applicant- Kapil Bhati in Case Crime No. 1008 of 2020, under Sections 2/3 of U.P. Gangsters and Anti-Social Activities (Prevention) Act, Police Station- Surajpur, District- Gautam Buddh Nagar, with the prayer to enlarge him on bail during trial.

The submission of learned counsel for the applicant is that the applicant has been falsely implicated in the present case on the basis of three criminal cases shown against the applicant in the Gang Chart which has been annexed as Annexure No. 2 to the affidavit of bail application and in the said case, the applicant has been granted on bail Apart from the gang chart, the applicant is alleged to have been involved in eight other criminal cases in which also the applicant has been enlarged on bail; the copy of bail order has been annexed as Annexure Nos. 3 to 10 to the affidavit of bail application. There is no early prospect of conclusion of trial. So, the applicant, who is languishing in jail since 18.07.2020, deserves to be released on bail.

Per contra, learned A.G.A. has vehemently opposed the prayer for grant of bail to the applicant but could not point out anything material to the contrary.

Considering the facts and circumstances of the case as also the submissions advanced by learned counsel for the parties and evidence available on record, without expressing any opinion on merits of the case, this Court is of the view that the applicant is entitled to be released on bail.

The bail application is ***allowed***.

Let applicant- **Kapil Bhati** 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 subject to following conditions that:-

1. The applicant shall not tamper with the evidence during the trial.
2. The applicant shall not pressurize/intimidate the prosecution witness.
3. The applicant shall 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

In case of breach of any of the above condition, the prosecution shall be at liberty to seek cancellation of bail in accordance with law.

The party may file computer generated copy of such order downloaded from the official website of High Court Allahabad, self attested by pairokar of the applicant.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 24.12.2021

Vikas