

**Court No. - 88**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 50102 of 2021

**Applicant :-** Mithun @ Shivam Shankhwar

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

**Counsel for Applicant :-** Vinod Kumar Yadav, Akhilendra Singh

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

**Hon'ble Anil Kumar Ojha, J.**

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

This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant seeking enlargement on bail during trial in connection with Case Crime No. 252 of 2021 under Section 3(1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986 registered at P.S.- Ghatampur District- Kanpur Nagar.

Submission of learned counsel for the applicant is that applicant is innocent and has been falsely implicated in this case. In the gang-chart, two cases have been shown against the applicant wherein he has been granted bail. Applicant is neither a member of any gang nor has he committed the alleged offence shown in the gang-chart. Further submitted that the applicant is languishing in jail since 16.06.2021.

Per contra, learned A.G.A. opposed the prayer for bail but could not dispute the facts as raised by the learned counsel for the applicant.

Nature of accusation, evidence collected by I.O. in support of the charge, gravity of offence, nature and severity of punishment in case of conviction, complicity of the accused and all other attending circumstances were duly considered.

Considering the rival submissions of learned counsel for the parties, keeping in view the facts and circumstances of the case, without commenting upon merits of the case, a case for bail is made out.

Accordingly, the bail application is allowed.

Let the applicant **Mithun @ Shivam Shankhwar** involved in the aforesaid case crime, be released on bail on his furnishing a

personal bond and two sureties in the like amount to the satisfaction of the court concerned with the following conditions;

1. The applicant shall not tamper with the evidence or threaten the witnesses.
2. The applicant shall co-operate with the trial and shall not seek any adjournment on the dates fixed for charge, evidence when the witnesses are present in the court, statement under Section 313 Cr.P.C. and argument.
3. During trial, he shall not indulge in any criminal activities.

In breach of any condition enumerated above, Trial Court shall be at liberty to treat it as abuse of liberty of bail and pass appropriate orders in accordance with law.

**Order Date :-** 24.12.2021

A. Mandhani