

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 21773 of 2022

Applicant :- Hema @ Gaurav

Opposite Party :- State of U.P.

Counsel for Applicant :- Sandhya Singh, Kapil Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No.82 of 2022 at Police Station-Kotwali Nagar, District-Bulandshahr under Section 2/3 of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986. The applicant is in jail since 04.05.2022.

The bail application of the applicant was rejected by learned Additional Sessions Judge/learned Special Judge (Gangster Act), Court No.09, Bulandshahr on 10.05.2022.

Ms. Sandhya Singh, learned counsel for the applicant contends that the applicant has been falsely implicated in the instant case. The applicant has been enlarged on bail in the two criminal cases depicted in the gang chart. He is not a member of any criminal gang. Learned counsel for the applicant has explained the criminal history of the applicant and further contends that the same has no bearing on the instant case.

Shri Sunil Kumar Srivastava, learned A.G.A. could not satisfactorily dispute the aforesaid submissions from the record. However, he does not contest the criminal history of the applicant as disclosed in the bail application.

I see merit in the submissions of the learned counsel for the applicant and hold that the applicant is entitled to be enlarged on bail.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-Hema @ Gaurav be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

- (i) The applicant will not tamper with the evidence during the trial.
- (ii) The applicant will not influence any witness.
- (iii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- (iv) The applicant shall not directly or indirectly make inducement, threat or promise to any person acquainted with the facts of the case so as to

dissuade him from disclosing such facts to the Court 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 move bail cancellation application before this Court.

Order Date :- 31.5.2022

Ashish Tripathi