

Court No. - 84

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43048 of 2024

Applicant :- Harish Chandra

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Sanjay Singh, the learned counsel for the applicant, Sri O.P. Singh, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 254 of 2016, under Sections 2/3 of Uttar Pradesh Gangsters and Antisocial Activities (Prevention) Act, 1986, registered at Police Station Dhoomanganj, District Prayagraj.
3. The gang chart mentions involvement of the applicant in four cases, in one of which he stands acquitted and in rest three cases the applicant has been granted bail. The applicant is involved in twenty eight other cases, in six cases of which, the applicant stands acquitted and in rest of the cases he has been granted bail.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. It has also been stated in the affidavit filed in support of the bail application that the applicant is neither a leader nor member of any gang.
5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
6. The applicant has been granted bail in three cases mentioned in the gang chart. He has been acquitted in one of those and he has been acquitted in six others cases and in the other cases in which he is involved he has been granted bail.

7. The applicant is languishing in jail in connected with present cases since 16.06.2016. The maximum sentences that can be awarded in a case under the Gangsters Act is imprisonment for ten years, so the applicant has completed half of the maximum sentences on 15.06.2021. Section 436-A Cr.P.C. mandates that a person, who has completed half of the maximum sentence shall be released on bail.

8. Accordingly, without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

9. Accordingly, this bail application stands **allowed**.

10. Let the applicant- Harish Chandra be released on bail in the aforesaid case on furnishing a personal bond only to the satisfaction of magistrate/court concerned, subject to the following conditions:-

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court, unless his appearance is exempted by the learned trial court.

(Subhash Vidyarthi, J.)

Order Date :- 28.2.2025

Shiraz