

Court No. - 92

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52906 of 2022

Applicant :- Kamlesh Maurya

Opposite Party :- State of U.P.

Counsel for Applicant :- Shri Prakash Dwivedi, Gunjan Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

Heard learned counsel for the respective parties.

The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.218 of 2020, under Section 3(1) of U.P. Gangster and Anti-Social Activities (Prevention) Act 1986, Police Station-Kotwali Dehat, District-Mirzapur.

Learned counsel for the applicant submits that he has been falsely implicated in the present case. It is further submitted that only one case has been shown in the gang chart against the applicant, in which, he has already been enlarged on bail by the court concerned. He further submits that applicant is neither leader nor any member of the gang. He further submits that applicant has no criminal history except the aforesaid cases. It is next urged that there is no possibility of his fleeing away from the judicial process or tampering with the witnesses and in case, he is enlarged on bail, the same shall not be abused. The applicant is in jail since 08.11.2022, hence, he is entitled to bail.

Learned A.G.A. vehemently opposes bail.

Having heard learned counsel for both the parties, gone through the material placed on record and considering the nature of accusations, severity of the punishment in the case of conviction but without commenting on the merits of the case, a case for bail is made out, accordingly allowed.

Let the applicant, **Kamlesh Maurya**, involved in above mentioned case crime number be released on bail on their executing a personal bond and two reliable sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:

(i) The applicant shall not tamper with the evidence.

(ii) The applicant shall not indulge in any criminal activity.

(iii) The applicant shall not threaten the informant and witnesses and further shall cooperate in the investigation.

(iv) The applicant will appear regularly on each and every date fixed by the trial court unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the learned court below will take recourse to law of cancellation of bail of the applicant.

Order Date :- 29.11.2022

Ashutosh