

Court No. - 1

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9799 of 2022

Applicant :- Kuldeep Sharma @ Kuldeep Hindu

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Atul Verma, Hari Krishna Verma

Counsel for Opposite Party :- G.A.

Hon'ble Ramesh Sinha, J.

Heard Shri Atul Verma, learned counsel for the applicant and Shri Jayant Singh Tomar, learned A.G.A. for the State and perused the material placed on record.

By means of the present bail application, the applicant seeks bail in Case Crime No.0050 of 2021, under Sections 2/3 of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station- Hazratganj, District- Lucknow, during the pendency of trial.

It is argued by the learned counsel for the applicant that the prosecution under the Gangster Act has been launched against the applicant on the basis of one criminal case shown in the gang chart and he is on bail in the aforesaid case. He has been falsely implicated in the present case due to police rivalry. He is not the member of any gang. It is further stated that there is no other criminal history of the applicant. The applicant is languishing in jail since 20.12.2020. In case, the applicant is released on bail, he will not misuse the liberty of bail.

Learned A.G.A. vehemently opposed the prayer for bail but has not disputed the aforesaid submissions of learned counsel for the applicant.

Without expressing any opinion on the merits, the bail application is allowed. Let the applicant **Kuldeep Sharma @ Kuldeep Hindu**, involved in aforesaid case crime be released on bail on his furnishing a personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned with the following conditions that :-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

Trial court concerned is directed to conclude the trial expeditiously, if possible, within a period of one year from the date of production of certified copy of this order.

(Ramesh Sinha,J.)

Order Date :- 30.8.2022

S. Shivhare