

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 23546 of 2023

Applicant :- Ahasan

Opposite Party :- State of U.P.

Counsel for Applicant :- Chandra Shekhar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Chandra Shekhar Mishra, learned counsel for the applicant; learned AGA for the State and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Special Case No.76 of 2018, Case Crime No.436 of 2014, under Section 2/3 of UP Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station Gangoh, District Saharanpur, during the pendency of trial.
3. It is a case of absconding though in a case under the Gangster Act, 1986. Initially the applicant was enlarged on bail by this Court on 08.02.2015 and the bail order is annexed as annexure no.2 to the affidavit. On account of absence of two months when the bail application was moved, the same was rejected by the trial Court. From the impugned order it transpires that the accused/applicant had absconded from the Court on 20.03.2018, 01.04.2019 and 18.02.2021. Learned counsel for the applicant contended that applicant had gone jail in some other case and by mistake in this case the applicant had not summoned from the jail, therefore, the NBW was issued against the applicant. The applicant is in jail for about eight months. There is no likelihood of his abscondence or tampering with the evidence. In case the applicant is released on bail, he will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Ahasan**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses;

(iv) will not leave the territory of District Sharanpur without prior permission of the concerned court.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

8. However, it is directed that the case of the applicant would be decided by the trial Court preferably within a period of six months from the date of production of certified copy of this order and thereafter a compliance report would also be sent to this Court through Registrar (Compliance).

Order Date :- 16.11.2023

I.A.Siddiqui