

Court No. - 81

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 29703 of 2023

Applicant :- Mehandi Hasan

Opposite Party :- State of U.P.

Counsel for Applicant :- Bhaskar Bhadra, Anand Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

1. Heard Sri Anant Kumar Tiwari, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed by the applicant seeking bail in Case Crime No.89 of 2023, under sections- 2/3 U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station- Visharatganj, District- Bareilly.

3. As per the prosecution case, the applicant is said to be involved in gangster and anti-social activities and hence he is in custody in Case Crime No.89 of 2023, under sections- 2/3 U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, Police Station- Visharatganj, District- Bareilly.

4. It has been contended on behalf of the applicant that the gang chart, on the basis whereof he has been implicated in this case, has two cases in his name i.e. Case Crime No.256 of 2022, under sections- 3/5B/8 of U.P. Prevention of Cow Slaughter Act, 1955 and section-11 of Prevention of Cruelty to Animals Act, 1960 and Case Crime No.21 of 2023, under sections- 3/5/8 of U.P. Prevention of Cow Slaughter Act, 1955 and in both the cases, he has been granted bail by court below, respectively by orders dated 05.02.2023 and 24.04.2023. The copy of the bail orders are on record. It is further submitted that the applicant has criminal history of four more cases also, as described in para no.17 of the application itself and that in all those cases, he is on bail. It is further contended that in such circumstances there is no justification to keep him in custody in the present case.

5. The application is opposed by the learned A.G.A. However, the explanation given regarding the criminal history and the fact that the applicant is on bail in both the cases on the basis whereof the

present case under sections- 2/3 U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986 has been lodged, could not be denied.

6. I considered all the facts and circumstances of the matter including explanatory defence offered by the applicant. In my view, a case for bail is made out.

7. Let applicant- **Mehandi Hasan** be released on bail in the aforesaid case crime number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(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.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (a) framing of charge and (b) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present as well as permanent address of the accused shall also be duly verified.

8. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order.

Order Date :- 15.12.2023

Nitika Sri.