

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 31970 of 2023

Applicant :- Mohd. Raju

Opposite Party :- State of U.P.

Counsel for Applicant :- Deepak Kumar Tripathi, Ravindra Prakash Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicant has filed supplementary affidavit today in Court, which is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the records.
3. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 01 of 2021, under Sections 3 (1) of the U.P. Gangsters & Anti-Social Activities (Prevention) Act, 1986, Police Station- Bakhira, District- Sant Kabir Nagar, during pendency of the trial.
4. Counsel for the applicant submitted that the applicant is not named and has been falsely implicated in case crime no. 10 of 2020 under Section 60 of the Excise Act. Learned counsel for the applicant has further contended that the co-accused Teni Alias Machahi, Taufeeq Banjara, Kallan, Maliya @ Mohammad Ayaz, Mushtaq and Mustafa Husain, have already been enlarged on bail by the Co-ordinate Bench of this Court in Criminal Misc. Bail Application Nos. 19605 of 2021, 15849 of 2023, 14262 of 2022, 6191, 17802 of 2023, 22759 of 2023, *vide* order dated 19.07.2021, 26.04.2023, 30.06.2021, 02.02.2021, 20.04.2023, and 29.05.2023 respectively. Learned counsel for the applicant has properly explained the criminal history of the applicant in para 12 of the affidavit. The applicant claims parity. The applicant has no criminal history, he is in jail since 18.04.2023, in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.
7. Let the applicant, **Mohd. Raju**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:
 - i. the applicant shall not temper with the prosecution evidence;
 - ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court

iv. The applicant shall appear before the concerned S.H.O in any day of his choice in the first week of every month till further order of the trial court. In this regard a compliance report shall be submitted to the trial court by the concerned S.H.O.

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

Order Date :- 17.11.2023

Vinod.