

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32137 of 2023

Applicant :- Ankit Pandey

Opposite Party :- State of U.P.

Counsel for Applicant :- Ravindra Prakash Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Rejoinder Affidavit filed today is taken on record.
2. Heard learned counsel for the applicant, learned AGA and perused the record.
3. The applicant seeks bail in Case Crime No.73 of 2020 under section 3(1) U.P. Gangsters and Antisocial Activities (Prevention) Act, 1986, P.S. Kotwali, District Basti.
4. Learned counsel for the applicant has submitted that three cases have been shown in the Gang Chart and in all the cases, the applicant has been granted bail. The criminal antecedents have been explained by the applicant in the Supplementary affidavit. The applicant is in jail since 20.01.2020. It has also been submitted that there is no possibility of the applicant's fleeing away from the judicial process or tampering with the witnesses. Learned counsel submits that in case the applicant released on bail, he will not misuse the liberty of bail and will cooperate in trial.
5. Learned AGA has opposed the prayer for bail but not contradicted the aforesaid fact.
6. Considering the fact that the applicant is in jail since 20.01.2020 i.e. about more than three years, in view of the law laid down in the case of ***Rabi Prakash vs. State of Odisha decided in Special Leave to Appeal (Crl) No.4169 of 2023***, primarily, the right of speedy trial in the case of applicant has been adversely affected. This view of inordinate delay in the trial is also supported by the latest judgment of the Supreme Court in the case of ***Manish Sisodia vs. Central Bureau of Investigation, Criminal Appeal No.003352 of 2023 arising out of SLP (Criminal) No.8167 of 2023 decided on 30.10.2023*** wherein the Supreme Court was of the view that inordinate delay in trial would be a ground for grant of bail. Thus, the applicant who is in custody since 20.01.2020 is entitled to be enlarged on bail. Thus, the bail application is

allowed.

7. Let the applicant **Ankit Pandey** be released on bail in aforesaid first information report number on his furnishing a personal bond and two reliable sureties of Rs.25000/- each with the following conditions:

- (a) The applicant shall execute a bond to undertake to attend the hearings;
- (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 1.11.2023

VNP/-