

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34067 of 2023

Applicant :- Autari

Opposite Party :- State of U.P.

Counsel for Applicant :- Akhilesh Srivastava, Saksham Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State of U.P. and perused the record.
2. The instant bail application has been filed with the prayer to enlarge the applicant on bail in G.S.T. No. 305 of 2010 arising out of Case Crime No. 186 of 2007, under Section 2/3 of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Dadon, District- Aligarh, during the pendency of the trial.
3. Learned counsel for the applicant submits that initially the accused-applicant was released on bail in this case, and he attended the Court till 20.12.2011, however, on 20.12.2011, the Trial Court, issued N.B.W. It is contended that in the meantime the applicant had gone to Ahmadabad (Gujrat) for his livelihood and was not present in the district. It is next submitted that after coming to know about the N.B.W. and other process, the applicant surrendered before the trial Court and moved an application for enlargement on bail on 10.04.2023, however, same was rejected and the applicant is in jail since then. It is submitted that the applicant would appear before the trial court on each and every date fixed by it.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Considering the rival submissions of learned counsel for parties, as it is a case of abscondance and the applicant undertakes to cooperate in the trial, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is allowed.
6. Let the applicant- **Autari** 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 tamper with the prosecution evidence;
(ii) the applicant shall not pressurize the prosecution witnesses;
(iii) the applicant shall appear on each and every date fixed by the trial court; and,

(iv) the applicant shall not leave the territory of district Aligarh, without prior permission of the trial 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. The trial court is directed to conclude the trial of the aforesaid case within a period of six months from today following the provision of Section 309 Cr.P.C. and send a compliance report thereof to this Court through Registrar (Compliance).

Order Date :- 30.10.2023

S.Verma