**Court No. - 74**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 36386 of 2023

**Applicant :-** Ravindra Kumar Maurya
**Opposite Party :-** State of U.P.
**Counsel for Applicant :-** Vivek Singh
**Counsel for Opposite Party :-** G.A.,Praveen Kumar Singh,Syed Imran Ibrahim

**Hon'ble Vivek Varma,J.**

1. Supplementary affidavit filed by counsel for the applicant is taken on record.

2. Heard counsel for the applicant and counsel for the informant and Sri Neeraj Kumar Sharma, learned AGA for the State.

3. By means of the instant bail application, the applicant has prayed to be enlarged on bail in Case Crime No. 1013 of 2019, under Section 3(1) of U.P. Gangster & Anti-Social Activity (Prevention) Act 1986, Police Station- Cantt, District- Varanasi during pendency of the trial.

4. Learned counsel for the applicant submits that according to the gang chart, copy of which has been filed as annexure-2 to the affidavit, five cases are shown against the applicant. In the aforesaid cases, the applicant has been enlarged on bail. It is next contended that apart from the cases mentioned in the gang chart, the applicant was found involved in seventeen cases. Out of said cases, in thirteen cases, he has been enlarged on bail and in two cases, final reports have been submitted. In case crime no. 157 of 2019 pertaining to Section 3(1) of Goonda Act, the appeal is pending before the Court of Commissioner, Varanasi. In Case Crime No. 108/2020 under Sections 419, 420 and 406 of I.PC., Police Station- Chetganj, District- Varanasi, the proceedings have been quashed The applicant is neither leader nor member of any gang and he has been falsely implicated in the instant case.

5. Counsel for the applicant contends that the applicant is in jail since 27.07.2019. The applicant is a law abiding citizen who cooperated with the investigations and had joined the trial. The applicant never influenced the witnesses and tempered with the evidence. The trial Court proposes to examine twenty one witnesses to bring home the charges. Charges have been framed against the applicant only on 13.10.2023. Undue delay caused by the prosecution has led to pro-longed incarnation of the applicant. The trial is moving at snail's pace and is not likely to conclude early. Inordinate delay in concluding the trial has led to virtually an indefinite imprisonment of the applicant. In case, he is enlarged on bail, he will not misuse the said liberty.

6. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

7. After hearing the rival contentions and having perused the record, this Court prima facie finds that the applicant is in jail for more than four years and three months. Even the prosecution could not bring on record any material, which would show that the trial has been delayed on account of any fault on the part of the present applicant. Thus, the 'right of speedy trial' of the applicant as enshrined under Article 21 of the Constitution of India is violated more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant, **Ravindra Kumar Maurya** 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; and,

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

9. 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 :-** 16.11.2023
Sachin Mishra

Digitally signed by :-
SACHIN MISHRA
High Court of Judicature at Allahabad