

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38581 of 2023

Applicant :- Saqib @ Annu

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Arshad

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Counter affidavit on behalf of State and supplementary affidavit has also been filed by the applicant.
2. Heard Sri Mohd. Arshad, learned counsel for the applicant, learned AGA for the State-opposite party and perused the record.
3. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 306 of 2023, under Sections 2/3 of the U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986, Police Station- Civil Lines, District- Aligarh, during pendency of the trial.
4. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. He further contends that on the basis of **three cases** triable by the court of Magistrate concerned, the proceedings under the Gangster Act has been lodged against the applicant. In the aforesaid case the accused-applicant has already been enlarged on bail. Copy of the bail orders have been enclosed as **Annexure 3** with the application supported with an affidavit.
5. Apart from the cases shown in the gang chart the applicant has also falsely been implicated in some more cases shown in the gang chart i.e. Crime 1087 of 2020, under Sections 392, 411 I.P.C, Case Crime No. 550 of 2020 under Section 392 and Case Crime No. 485 of 2020 under Sections 392, 411 I.P.C, in these cases the applicant has been enlarged on bail. The applicant has no criminal antecedent to his credit except the cases mentioned in the affidavit. Learned counsel for the applicant has filed supplementary affidavit, in which he has mentioned two other criminal cases, which are not belongs to the applicant. He is in jail since **03.06.2023**, 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. 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.

8. Let the applicant, **Saqib @ Annu**, 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.

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 :- 31.10.2023

Vinod.