

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40165 of 2023

Applicant :- Chaman

Opposite Party :- State of U.P.

Counsel for Applicant :- Haya Rizvi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Ms. Ifra Khatoon, Advocate, holding brief of Ms. Haya Rizvi, learned counsel for the applicant as well as Sri Pankaj Kumar Tripathi, 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, **Chaman**, on bail in Case Crime No. 166 of 2023, under Section 2/3 of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station- Pilua, District- Etah, during the pendency of the trial.

3. Learned counsel for the applicant submits that only on the basis of one case i.e. Case Crime No. 10 of 2022 u/s 3/5/8 of Cow Slaughter Act, the proceeding under the Gangster Act, has been launched against the applicant though in that case the applicant has been enlarged on bail vide order dated 13.5.2022 copy whereof has been annexed with the application as Annexure No. 3 to the affidavit. It is further contended that the applicant is neither a gang leader nor member of any gang. The criminal history of the applicant has been explained in para 2 of the supplementary affidavit. It is lastly contended that the applicant is in jail since 24.11.2022 and in case, the applicant is enlarged on bail, he will not misuse the liberty.

4. Learned A.G.A. has vehemently opposed the prayer for bail and contended that the accused is a man of criminal nature and he has formed a gang of which he is the leader; he has criminal history of 24 cases and most of them relate to Cow Slaughter Act and Section 307 I.P.C.; the accused has also been previously challaned in the Gangster Act, however, he was granted bail in those cases, however, he did not comply with the conditions imposed upon him by the Court and remained indulged in criminal

activities and in case, as such he is a threat to the society, therefore, he does not deserve to be enlarged on bail.

5. Considering the rival submissions of learned counsel for parties as noted herein above and taking note of Section 19(4)(b) of the Gangsters Act, that while on bail the accused would again be indulged in criminal activities, I do not find it a fit case for grant of bail.

6. Accordingly, the bail application is **rejected** at this stage.

Order Date :- 30.11.2023

S.Verma