

Court No. - 89

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41225 of 2023

Applicant :- Azad Urf Bati

Opposite Party :- State of U.P.

Counsel for Applicant :- Aun Haider

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 424 of 2022, registered under Sections 2/3 of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station Partapur, District Meerut during pendency of the trial.

Learned counsel for the applicant submitted that 14 cases are shown in the gang chart on that account provisions of Gangster Act has been imposed. He further submitted that the applicant is innocent and has been falsely implicated in the present case due to ulterior motive. The applicant has been granted bail in all the cases shown in the gang chart and the bail orders have been annexed as Annexure 3 to the affidavit. The applicant has no criminal history except the cases shown in the gang chart. He next submitted that co-accused, Shoaib Saifi, has already been released on bail by this Court in CRIMINAL MISC. BAIL APPLICATION No. 7536 of 2023. He next submitted that the case of applicant is similar to that of co-accused, Shoaib Saifi and claims parity. The applicant neither involved in any anti social activities nor a leader of any gang. The applicant is languishing in jail since 12.04.2022. In case, the applicant is released on bail, he will not misuse the liberty of bail and co-operate in trial.

Learned A.G.A. has opposed the bail prayer of the applicant.

Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and without expressing any opinion on the merits of the case and the law laid

down by the Apex Court in **Satendra Kumar Antil Vs. C.B.I. & Another, S.L.P.(Crl.) No. 5191 of 2021**, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, **Azad Urf Bati**, who is involved in the aforesaid case crime, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.
3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Order Date :- 30.10.2023

Aditya