

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42610 of 2023

Applicant :- Rahul Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Atmaram Nadiwal, Dinesh Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Supplementary affidavit and counter affidavit filed today are taken on record.

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

3. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 82 of 2023, under Section 3(1) of U.P. Gangsters And Anti Social Activities (Prevention) Act, 1986, Police Station Tarva, District Azamgarh, during pendency of the trial.

4. Learned counsel for the applicant submitted that criminal history has been properly explained. There is no reliable and credible evidence to show his complicity in the criminal activities. No order of confiscation under section 14 of the U.P. Gangsters And Anti Social Activities (Prevention) Act, 1986 has passed against the applicant. Learned counsel for the applicant further contended that applicant is not previous convicted. He is neither a member of any illegal gang nor he is indulged in anti social activities. He is a law abiding person and sole bread earner of his family. He is ready to furnish the bail bond and surety bonds. Hence, he may be released on bail.

5. Learned A.G.A. has opposed the prayer for bail and submitted that applicant has been accused of Section 302 IPC. He further submitted that there is a long standing criminal history against the accused and he is repeatedly committing the same offence. He next submitted that in two cases he is accused under section 394 IPC. In three cases he is accused under section 392 IPC. He is also accused under the Arms Act in two cases. In two cases he is accused under section 328 IPC, read with other sections such as sections 411,

419, 420 IPC and one case under sections 467, 468, 471 IPC. He has also been accused under the Gangster Act and he is an accused under section 307 IPC. By way of counter affidavit learned A.G.A. has produced 16 cases criminal history of the applicant including this case. The applicant-accused is an inter district accused.

6. According to Section 19 (4 (b) of U.P. Gangsters And Anti Social Activities (Prevention) Act, 1986 the accused can be enlarged on bail only when the court is satisfied that there are reasonable grounds for believing that the accused-applicant is not the guilty of such offence and that he is not likely to commit any offence while on bail.

7. There is no reasonable grounds for believing by this Court that the applicant is not guilty of the alleged offence on which ground the proceedings under the Gangsters Act has been launched against the applicant. However, this Court is not of the view that accused would not commit any such offence, if he is released on bail.

8. On the above, discussion and observation this Court is of the view that the bail application has no merit and is liable to be rejected.

9. Accordingly, the present bail application is ***rejected***.

Order Date :- 2.11.2023

Vikram