

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44124 of 2023

Applicant :- Kayyoom

Opposite Party :- State of U.P.

Counsel for Applicant :- Manjeet Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

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

2. The present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.269 of 2023, under Sections 3(1) of the U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986, Police Station Pakbada, District Moradabad.

3. Learned counsel for the accused-applicant submits that according to the gang-chart (Annexure No.2), only one case has been shown against the accused-applicant, in which he has been enlarged on bail. Copy of the bail order annexed (Annexure No.3) with the affidavit filed in support of the bail application. He further submits that apart from gang-chat, five cases have been registered against the applicant bearing, which have been explained in paragraph no.11 of the affidavit filed in support of the bail application, in which too he is on bail. Copy of the bail orders annexed (Annexure No.4) with the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 01.09.2023, therefore, the accused-applicant may be enlarged on bail.

4. Learned AGA has vehemently opposed the bail application but he could not dispute the submission made above.

5. Considering the facts, circumstances and the submissions made above, this Court is of the view that the applicant has made out a fit case for grant of bail. Accordingly, the bail application is **allowed**.

6. Let the applicant - **Kayyoom**, 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 the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

7. 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 :- 28.10.2023

Zafar