Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46885 of 2023

Applicant :- Rahul
Opposite Party :- State of U.P.
Counsel for Applicant :- Rakesh Kumar Maurya,Shweta Singh
Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant as well as Sri N.K. Sharma, learned A.G.A. for the State-opposite party, and perused the record.

2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in G.S.T. No. 14 of 2011, State v. Chandraveer and others, arising out of Case Crime No. 14 of 2010, under Section 2/3 of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Madrak, District Aligarh during the pendency of the trial.

3. Learned counsel for the applicant submits that earlier the applicant was granted bail by the trial Court on 08.09.2010. Though the applicant participated in the trial for a considerable period, the trial could not conclude and at the same time due to unavoidable reasons the applicant had left the station to earn livelihood. As such the applicant was reported to have absconded and has surrendered again on 29.11.2022 and since then he is in jail. Learned counsel for the applicant on the basis of instructions submits that if the applicant is enlarged on bail, he shall appear regularly before the court below and shall not leave the station without permission of the court concerned.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant had earlier appeared and contested the proceedings, however, the trial could not conclude and further the applicant has presently remained confined for almost one year and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the

applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Rahul, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two **heavy** sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

1. shall appear on the date fixed by the trial court;

2. shall not tamper with the prosecution evidence;

3. shall not pressurize the prosecution witnesses; and,

4. shall not leave the district without prior permission of the trial court.

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 :- 23.11.2023
SKT/-

Digitally signed by :-
SHIVA KANT TIWARI
High Court of Judicature at Allahabad