

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45326 of 2023

Applicant :- Raish Ahamad

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashok Kumar Singh, Pratibha Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Ms. Pratibha Singh, learned counsel for the applicant, learned A.G.A. for the State and perused the records.

2. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 165 of 2023, under Sections 3 (1) of the U.P. Gangsters & Anti-Social Activities (Prevention) Act, 1986, Police Station- Khetasarai, District- Jaunpur, during pendency of the trial.

3. Counsel for the applicant submitted that the applicant is not named in the F.I.r and has been falsely implicated the present case. On the basis of two cases shown in the gang chart, the applicant is on bail. Copies of the bail orders have been annexed as Annexure Nos. 2 & 3. respectively with the affidavit. The proceedings of Gangsters Act has been launched against the applicant. Except two cases there is no other criminal history to the credit of applicant. Learned counsel for the applicant has further contended that the co-accused **Ikbāl Ahmad**, having similar role, has already been enlarged on bail by the Co-ordinate Bench of this Court in ***Criminal Misc. Bail Application No. 48550 of 2023*** vide order dated 09.11.2023. The applicant claims parity. The applicant has no criminal history, he is in jail since 27.09.2023, in case he is enlarged on bail, he will not misuse the said liberty.

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

5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Raish Ahamad**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court

concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by 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 :- 16.11.2023

Vinod/Shahroz