

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 46382 of 2023

**Applicant :-** Istekhar Ahmad

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Ravindra Prakash Srivastava

**Counsel for Opposite Party :-** G.A.

**Hon'ble Umesh Chandra Sharma, J.**

1. Heard Sri Sunil Kumar Yadav, 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. 234 of 2023, under Sections 3 (1) of the U.P. Gangsters & Anti-Social Activities (Prevention) Act, 1986, Police Station- Dudhara, District- Sant Kabir Nagar, during pendency of the trial.
3. Counsel for the applicant submitted that the applicant is quite innocent, he has been falsely implicated the present case. He further contends that on the basis of one case, the proceedings under the Gangsters Act has been launched against the applicant, which is triable by the court of Magistrate. In addition to that criminal history of three other cases under the Cow Slaughter Act, that has been explained in the affidavit filed in support of the bail application, in which the applicant has already been enlarged on bail, which is mentioned in para nos. 7, 8 and 9 of the said affidavit. Except the aforesaid cases there is no other criminal history to the credit of applicant. The applicant is in jail since 11.10.2023, 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, **Istekhar Ahmad**, 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.
- iv. the applicant shall appear before the concerned S.H.O. on any day of first week of every month till the further order 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 :- 22.11.2023**

*Vinod / Shahroz.*