Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48306 of 2023

Applicant :- Musir 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 Ravindra Prakash Srivastava, learned counsel for the applicant, 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 a prayer to enlarge the applicant on bail in Case Crime No. 391 of 2023, under Sections 3 (1) of the U.P. Gangster & Anti Social Activities (Prevention) Act, 1986, Police Station- Dudhara, District- Sant Kabir Nagar, during the pendency of trial.

3. It is argued by the learned counsel for the applicant that the prosecution under the Gangsters Act has been launched against the applicant on the basis of one criminal case i.e. Case Crime No. 361 of 2023, under Section 3/5-A/8 of the Cow Slaughter Act and 11 of Prevention of Cruelty to Animals Act has been launched against the applicant on the basis of one criminal case, the applicant has been enlarged on bail by the court below. Copy of the bail order has been annexed as Annexure No. 2 to the affidavit. In addition to that the applicant has also been accused under Section 4/25 of the Arms Act, in which also the applicant has been enlarged on bail by the court below. Copy of the bail order has been annexed as Annexure No. 3 to the affidavit. The details of criminal cases have been mentioned in paragraph nos. 6 & 7 of the affidavit accompanying the bail application. He has been been falsely implicated in the present case due to enmity with the police. He is not the member of any gang. It is further stated that there is no other criminal history of the applicant except the cases mentioned in the affidavit. The applicant is in jail since 20.10.2023. 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 - **Musir Ahmad**, 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 :- 6.12.2023
Vinod.

Digitally signed by :-
VINOD KUMAR JAISWAL
High Court of Judicature at Allahabad