

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48375 of 2023

Applicant :- Sabir Ali @ Bachcha

Opposite Party :- State of U.P.

Counsel for Applicant :- Sunil Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Sunil Kumar Singh, learned counsel for the applicant, learned AGA for the State and perused the record.

2. By means of the present bail application, the applicant seeks bail in Case Crime No.22 of 2020, under Section 2/3 of U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station GRP Tundla, District Firozabad, during the pendency of trial.

3. It is a case of abscondence. The applicant is absconding since 30.10.2021. This case is of the year 2021 registered as Crime No.22 of 2020, under Section 2/3 of the Gangsters Act. From the order-sheet it transpires that even knowing that the applicant is not attending the concerned case, he did not surrender in the court when he was booked in a case under the NDPS Act. He was summoned in the present case. There is abscondence of about two years. The applicant was enlarged on bail under the Gangsters Act. It transpires that the applicant was not only absconding in the Gangsters Act but also he was not attending the case in Case Crime No.28 of 2020, under Sections 21/22 of the NDPS Act, Police Station GRP Tundla, District Firozabad (Special Sessions Trial No.1606 of 2020) in which his bail application was allowed on 17.07.2023. By that time he was also taken into custody in the concerned case. Learned counsel for the applicant contends that he has been falsely implicated in the present case due to police rivalry. He is not the member of any gang. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 20.03.2023. In case, the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has vehemently opposed the prayer for bail.

5. Considering the facts and circumstances of the case, the submission made above but without commenting on the merits

of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Sabir Ali @ Bachcha**, 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;

(iv) shall appear before the concerned SHO to show or establish his bona fide on any day of the first week of every month until 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 :- 6.12.2023

Shahroz