

Court No. - 67

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48440 of 2023

Applicant :- Ankit Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Madan Mohan, Nitin Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Heard learned counsel for the applicant as well as learned AGA for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with a prayer to admit him on bail in Case Crime No. 104 of 2023, under Section 3(1) of Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station Gopiganj, District Bhadohi, during the pendency of trial.

It is argued by the learned counsel for the applicant that the applicant is absolutely innocent and has been falsely implicated in the present case. He further submits that there is one case depicted in the gang chart against the applicant wherein he has been enlarged on bail. The said bail order has been produced before this Court and the same is taken on record. It is pointed out that co-accused Mahendra Kumar Patel and Ashish Kumar Patel have already been granted bail by the co-ordinate Bench of this Court vide order dated 21.7.2023 passed in Criminal Misc. Bail Application No. 29663 of 2023. He also submits that the applicant is law abiding citizen and he was never involved in committing the aforesaid offence. He lastly submits that the applicant is not a member or leader of any gang and he is languishing in jail since

7.7.2023. In case, the applicant is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

On the other hand, learned A.G.A. for the State opposed the bail application but could not dispute the aforesaid fact.

Looking to the nature of allegations levelled against the applicant and submission made in the bail application, without expressing any opinion on the merits of case and considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, particularly since no reasonable apprehension of tampering with the witnesses has been alleged, prima facie, this Court finds, the applicant is entitled to be released on bail in this case.

Accordingly bail application is allowed.

Let applicant Ankit Singh 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 with the following conditions:

(i) That the applicant shall cooperate with the expeditious disposal of the trial and shall regularly attend the court unless inevitable and shall co-operate in investigation and trial.

(ii) That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(iii) That after his release, the applicant shall not involve in any criminal activity.

(iv) The identity, status and residential proof of sureties will be verified by court concerned before the release of the applicant.

In case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail of the applicant.

Order Date :- 9.11.2023

M. Tarik