

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10590 of 2023

Applicant :- Dhananjay Singh @ Dhunadi

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko.

Counsel for Applicant :- Vijay Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Learned A.G.A. informs that he has procured complete instructions in the matter including upto date case diary.
2. Heard learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.
3. This bail application has been moved on behalf of the accused/applicant- **Dhananjay Singh @ Dhunadi** for grant of bail, in Case Crime No. 287 of 2023, under Section 2/3 of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Gurubuxganj, District Raebareli, during pendency of trial.
4. Learned counsel for accused-applicant while pressing the bail application submits that the accused-applicant has been falsely implicated in the instant case as well as in the one case mentioned in the gang chart. However, in this case mentioned in the gang chart, he has been released on bail and the bail order with regard to this one case has been placed as Annexure No. 3 to this bail application.
5. He further submits that apart from this one case, the complicity of the applicant is also shown with regard to other 26 criminal case(s), however, the same has been explained in para no. 9 of the bail application as well as in para nos. 4 to 8 of the supplementary affidavit dated 23.8.2023 and in all these cases, he has been granted bail by the competent criminal courts, barring one having Case Crime No. 255 of 2008, under Sections 147,308 IPC, PS- Kotwali, Raebareli wherein the applicant has been acquitted by the competent criminal court and in this regard, the judgement and order of acquittal has been placed at page no. 10 of the rejoinder affidavit dated 21.11.2023. Apart from the above mentioned cases, the applicant is not involved in any other criminal case. It is also

submitted that identically placed co-accused namely, Saurabh Singh, who has criminal history of 21 cases, has already been granted bail by this Court vide order dated 16.10.2023 passed in Criminal Misc. Bail Application No. 12294 of 2023.

6. It is also submitted that the applicant is in jail in this matter since 29.6.2023 and having regard to the fact that only on the basis of above-mentioned criminal case(s), the provisions of Gangster Act has been invoked against the applicant and the material which has been made the basis of lodging the first information report in this case is not sufficient enough to raise a presumption that the applicant is either guilty of the offences mentioned in the gang chart or may commit the same offences again if the facility of bail is granted to him.

7. Learned A.G.A. opposes the prayer for bail of the applicant, but could not confront the factual submissions made by the learned counsel for the accused-applicant.

8. Having heard learned counsel for the parties and having perused the record, it is evident that the provisions of Gangsters Act has been invoked against the applicant on the basis of one case mentioned in the gang chart, however, in this case mentioned in the gang chart he has been released on bail by trial court and apart from the above mentioned case, the complicity of the applicant is also shown with regard to other 26 criminal case(s), however, the same has been explained in para no. 9 of the bail application as well as in para nos. 4 to 8 of the supplementary affidavit dated 23.8.2023 and in all these cases, he has been granted bail by the competent criminal courts, barring one having Case Crime No. 255 of 2008, under Sections 147, 308 IPC, PS- Kotwali, Raebareli wherein the applicant has been acquitted by the competent criminal court and in this regard, the judgement and order of acquittal has been placed at page no. 10 of the rejoinder affidavit dated 21.11.2023. Apart from the above mentioned cases, the applicant is not involved in any other criminal case. The applicant is in jail in this case since 29.6.2023. Identically placed co-accused namely, Saurabh Singh, who has criminal history of 21 cases, has already been granted bail by this Court. Nothing has been brought on record, which may suggest that the facility of bail granted by trial court pertaining to the offences mentioned in the gang chart has been challenged at any higher forum or has been cancelled by any superior court. The presence of the applicant could be secured before the trial court by placing adequate conditions/restrictions.

9. Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions

of the learned counsel for the parties and without expressing any opinion on the merits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is **allowed**.

10. Let the accused/applicant- **Dhananjay Singh @ Dhunadi** involved in aforesaid case be released on bail on furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

11. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

12. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

13. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression of this Court on the merits of the case.

Order Date :- 8.12.2023

Shravan