

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11637 of 2023

Applicant :- Ravi Yadav And Another

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

Counsel for Applicant :- Satyendra Nath Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

1. Heard learned counsel for the applicants, Sri M.V.S. Chauhan, learned A.G.A for the State and perused the record.

Supplementary affidavit filed today is taken on record.

2. The present bail application has been filed on behalf of the applicants for bail in Case Crime No.205 of 2023, under Sections 2 & 3 (1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, Police Station- Kotwali Dehat, District-Sultanpur.

3. Learned counsel for the applicants has submitted that in the gang chart, two cases have been shown against the applicant No.1 Ravi Yadav and against the applicant No.2 Vineet Kumar one case has been shown. He has submitted that both the applicants have been granted bail in the cases shown in the gang chart. He has further explained criminal history of the applicants in para-6 and 7 of the bail application as well as in para-3 of the supplementary affidavit contained as Annexure No.3 to the bail application and the SA No.1 to the supplementary affidavit. He has submitted that the applicants are on bail in the cases shown in the gang chart. He has further submitted that co-accused Deepak has been granted bail by this Court in Crl. Misc. Bail Application No.10624 of 2023 on 24.8.2023. He further submitted that applicants will not involve in any illegal activities in the future. In these circumstances, the applicants are entitled for bail. In case of being enlarged on bail, they will not misuse the liberty of bail. He has submitted that the applicants are in Jail since.

4. Learned A.G.A. has opposed the prayer for grant of bail, but could not dispute the fact that co-accused has been granted bail and in the cases shown in the gang chart against the applicants, the applicants have been granted bail.

5. Considering the submissions of learned counsel for parties, material available on record, contents of F.I.R., other relevant documents, nature of offence, gang chart and the fact that applicants are in jail since, this Court finds that conditions of Section 19(4) of the Gangster Act are properly complied with, the applicants are not guilty of such offence, therefore, they are entitled to be released on bail.

6. Let the applicants, Ravi Yadav and Vineet Kumar be released on bail in the above case crime number on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 229-A of the Indian Penal Code.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against them, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicants is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

7. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The Trial Court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 11.10.2023
Rajneesh JR-PS)