

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12191 of 2023

Applicant :- Ram Babu Singh

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

Counsel for Applicant :- Yogendra Mishra, Amit Gupta, Vinay Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. Heard Shri Yogendra Mishra, learned counsel for the accused/applicant as well as learned A.G.A. for the State and perused the record.

2. This bail application has been moved by the accused/applicant- Ram Babu Singh for grant of bail, in case Crime No. 16/2020, under Section 2/3 of Uttar Pradesh Gangsters & Anti- Social Activities (Prevention) Act, 1986, Police Station Kotwali Nagar, District Raebareli, during trial.

3. Learned counsel for the accused-applicant while pressing the bail application submits that the accused-applicant has falsely been implicated in the instant case as well as in the three cases mentioned in the gang chart, however, out of these three cases mentioned in the gang chart in one case he has been granted facility of bail by the trial court in Case Crime No. 946 of 2019 and two cases i.e. Case Crime Nos. 943 of 2019 and 950 of 2019 have been disposed of on the basis of confessional statement of the applicant and copies of bail order and order with regard to disposal of these cases are placed on record as Annexures No. SA. 1, S.A. 2, and S.A.3 to the supplementary affidavit dated 22.11.2023.

4. It is further submitted that apart from the above mentioned three cases, criminal history of 5 other cases have been shown against the applicant. Out of these 5 cases, in one of such case (Case Crime no. 406 of 2019) the applicant has been granted bail by trial court and copy of bail order pertaining to this case is placed on record as Annexure No. S.A.6 to the supplementary affidavit dated 22.11.2023 and in rest 4 cases, the applicant on the advice given by his counsel engaged at the level of the trial court has confessed his guilt in the Lok Adalat Organized for the purpose on the assurance that the applicant will not be confined in prison and copies of these orders are placed on

record as Annexures No. S.A. 4, S.A.5, S.A.7, and S.A. 8 to the supplementary affidavit filed today i.e. on 22.11.2023 and apart from above mentioned cases the applicant is not having any other case pending against him.

5. It is further submitted that identically placed co-accused persons, namely, Anuj Kumar Maurya, Satyam and Vibhu Singh have been granted bail by the Coordinate Benches of this Court, vide orders dated - 22.7.2020, 21.1.2021 and 4.9.2020 passed in Crl. Misc. Bail Application Nos.- 4790 of 2020, 691 of 2021 and 6243 of 2020, respectively. The applicant is in jail in this case since 7.12.2019 and there is no apprehension that the accused-applicant after release on bail, may flee from the process of law or may otherwise misuse the liberty. Otherwise also the allegations levelled in the First Information Report of the instant case are not sufficient enough to attract a presumption that the applicant is either guilty of the offences mentioned in the gang chart or may commit the same offences again as described in the gang chart.

6. Learned A.G.A. on the other hand submits that the applicant is accused of committing an heinous offence and therefore, he is not entitled to be released on bail.

7. Having heard learned counsel for the parties and having perused the record, it is reflected that on the basis of 3 cases the provision of Gangsters Act has been invoked against the applicant, however, out of these three cases in one case the applicant has been granted bail by trial court and in other two cases he had confessed his guilt and the cases have been disposed of. Apart from these three cases, five other cases have been shown as criminal history and out of these 5 cases, in 4 cases the applicant has been convicted by the trial court on an application for confession moved by him in Lok Adalat and in one of such case, he has been granted bail by the trial court. Since the applicant has confessed his guilt in Jail Lok Adalat, whereby the accused persons of petty offences are encouraged to confess their guilt, in the considered opinion of this Court the sting of Section 19(4) of the Gangsters Act would be diluted as he has been convicted by moving application for confession in Lok Adalt. The applicant is in jail in this case since 7.12.2019. Identically placed co-accused persons, Anuj Kumar Maurya, Satyam and Vibhu Singh have been granted bail by the Coordinate Benches of this Court. Charge sheet in this case has already been submitted. His presence may be secured before the trial court by placing adequate conditions.

8. 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 and demerits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is allowed.

9. Let applicant- Ram Babu Singh involved in the 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.

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

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

12. Observations made herein-above are only for the purpose of disposal of bail application and the same shall not have any bearing on the trial of the case.

Order Date :- 22.11.2023

Muk