

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12245 of 2023

Applicant :- Vishal Alias Vikas Alias Chhotu

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

Counsel for Applicant :- Vivek Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Learned AGA informs that he has procured complete instructions in the matter including up to date case diary.
2. Heard Shri Vivek Chandra, 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 by the accused/applicant- Vishal Alias Vikas Alias Chhotu for grant of bail, in case Crime No. 274/2021, under Section 2/3 of Uttar Pradesh Gangsters & Anti- Social Activities (Prevention) Act, 1986, Police Station Mahmudabad, District Sitapur, during trial.
4. 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 on the basis of which provision of Gangsters Act has been invoked. However, in these three cases mentioned in the gang chart the applicant has been granted bail by the trial courts, vide orders dated 23.8.2023 and 16.8.2023 passed in Bail Application No. 1383 of 2023 and 1393 of 2023, respectively and by a Coordinate Bench of this Court, vide order dated 4.9.2023 passed in Crl. Misc. Bail Application No.10964 of 2023 and the copies of bail orders pertaining to these three cases are placed on record as Annexure Nos. 3, 4 and 5 to the bail application.
5. It is further submitted that apart from the above three cases mentioned in the gang chart, the applicant is not involved in any other criminal case and he in this case, is detained in prison since 28.06.2021 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. Identically placed co-accused persons, namely, Ranjeet Verma, Amar Singh and Sushil have been granted bail by the Coordinate Benches of this Court, vide orders dated 16.12.2021, 22.4.2021 and 8.10.2021 passed in CrI. Misc. Bail Applications No. 14757 of 2021, 3952 of 2022 and 11471 of 2021, respectively.

6. Learned A.G.A. on the other hand submits that the applicant is accused of committing 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 transpired from the record that the applicant has been involved in this case on the basis of three criminal cases mentioned in the gang chart and in these three cases the applicant has been granted facility of bail by the trial courts and by a Coordinate Bench of this Court. Apart from these three cases mentioned in the gang chart the applicant is not involved in any other criminal case. Identically placed co-accused persons, namely, Ranjeet Verma, Amar Singh and Sushil have been granted bail by the Coordinate Benches of this Court. The applicant is in jail in this case since 28.06.2021 and 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- Vishal Alias Vikas Alias Chhotu 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 :- 13.10.2023

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