

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12294 of 2023

Applicant :- Saurabh Singh

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. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Learned A.G.A. informs that he has procured complete instructions in the matter including upto date case diary and investigation of this case is still going on.
3. Heard learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.
4. This bail application has been moved on behalf of the applicant/**Saurabh Singh** 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.
5. 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 single case mentioned in the gang chart and he has not committed any offence as claimed by the prosecution.
6. It is further submitted that in the single case mentioned in the gang chart, the applicant has been released on bail by the trial court, a copy of which has been placed as Annexure No.3 to this bail application and apart from single case mentioned in the gang chart, the complicity of the applicant is also shown with regard to other 21 criminal cases, which have been explained in para no.8 of the bail application and in para nos. 5 and 6 of the supplementary affidavit filed today, however, out of these 21 cases, 8 cases pertaining to Section 110 Cr.P.C. and 3/4 of the U.P. Goondas Act have become infructuous due to efflux of time and in three cases pertaining to Case Crime Nos.177 of 2017, 118 of 2006 and 162 of 2017, Police Station Salon, Final

Report has been submitted so far as the applicant is concerned and in one case pertaining Case Crime No.617 of 2012, Police Station Salon, the applicant has been acquitted and in rest cases, he has been granted bail by competent criminal courts and the bail orders/question and answer obtained from the court concerned are placed on record to show that in all these such cases, the applicant has been granted bail and apart from the above mentioned cases, the applicant is not involved in any other criminal case.

7. It is also submitted that the applicant is in jail in this matter since 10.08.2023 and only on the basis of single criminal case, 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.

8. 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.

9. 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 single case mentioned in the gang chart, however, in the case mentioned in the gang chart he has been released on bail by trial court and apart from single case mentioned in the gang chart, the complicity of the applicant is also shown with regard to other 21 criminal cases, which have been explained in para no.8 of the bail application and in para nos. 5 and 6 of the supplementary affidavit filed today, however, out of these 21 cases, 8 cases pertaining to Section 110 Cr.P.C. and 3/4 of the U.P. Goondas Act have become infructuous due to efflux of time and in three cases pertaining to Case Crime Nos.177 of 2017, 118 of 2006 and 162 of 2017, Police Station Salon, Final Report has been submitted so far as the applicant is concerned and in one case pertaining Case Crime No.617 of 2012, Police Station Salon, the applicant has been acquitted and in rest cases, he has been granted bail by competent criminal courts and the bail orders/question and answer obtained from the court concerned are placed on record to show that in all these such cases, the applicant has been granted bail and 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 10.08.2023. 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.

10. Having regard to the overall facts and circumstances of the case and keeping in view the submissions made by learned counsel for the applicant I find substance only for the purpose of releasing the applicant on bail. The bail application is, thus, **allowed**.

11. Let the applicant/**Saurabh Singh** involved in the aforesaid case be released on bail on his 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.

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

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

14. 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 :- 16.10.2023

Anupam S/-