

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12517 of 2023

Applicant :- Naved Ahmad

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

Counsel for Applicant :- Ghufra Hussain

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 Ghufra Hussain, 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- Naved Ahmad for grant of bail, in case Crime No. 0369/2022, under Section 3(1) of Uttar Pradesh Gangsters & Anti- Social Activities (Prevention) Act, 1986, Police Station Masauli, District Barabanki, 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, however, in these three cases mentioned in the gang chart he has been granted facility of bail by a Coordinate Bench of this Court, vide orders dated 27.3.2023 passed in Crl. Misc. Bail Application Nos. 4150 of 2023, 4148 of 2023 and 4165 of 2023, respectively and the copies of bail orders pertaining to these three cases are placed on record at pages no. 45, 48 and 50 of the paper book.
5. It is further submitted that apart from the above mentioned three cases the applicant is also shown involved in other 9 criminal cases and in these 9 cases also the applicant has been granted bail by the Coordinate Benches of this Court, vide orders dated 18.5.23, 14.6.2023, 27.7.2023, 14.7.2023, 2.8.2023 24.8.2023, 28.8.2023, 21.9.2023 and 21.9.2023 passed in Crl. Misc. Bail Applications No. 6485 of 2023, 7622 of 2023, 9443 of 2023, 7639 of 2023, 9712 of 2023, 10613 of 2023, 10758 of 2023, 11350 of 2023 and 11342 of 2023, respectively and copies of bail orders of these 9 cases are placed on record at pages no. 52 to 71 of the paper book.

6. It is further submitted that identically placed co-accused person, namely, Om Prakash, Arvind Singh, Pawan Kumar, Santosh Kumar Yadav, Nandani Vishwakarma, Himanshu Gupta, Yashwant Rawat, Malti Devi, Shivendra Singh, Sain Tiwari @ Saim Tiwari @ Surjit Tiwari, and Chandan Yadav @ Sonu have been granted bail by Coordinate Benches of this Court and by this Court, vide orders dated 26.6.2023, 3.3.2023, 2.2.2023, 5.5.2023, 31.5.2023, 31.5.2023, 25.7.2023, 13.9.2023, 13.9.2023, 19.9.2023, and 21.9.2023 passed in Crl. Misc. Bail Application Nos. 7816 of 2023, 3330 of 2023, 1639 of 2023, 5969 of 2023, 7209 of 2023, 7365 of 2023, 9328 of 2023, 11146 of 2023, 11164 of 2023, 11242 of 2023 and 11389 of 2023. The applicant is in jail in this case since 16.07.2022 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.

7. 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.

8. 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 cases he has been granted bail by the trial courts. Apart from these three cases the applicant is also shown involved in other nine criminal cases and in all these cases also the applicant has been granted bail by the Coordinate Benches of this Court and by this Court. Identically placed co-accused persons, namely, Om Prakash, Arvind Singh, Pawan Kumar, Santosh Kumar Yadav, Nandani Vishwakarma, Himanshu Gupta, Yashwant Rawat, Malti Devi, Shivendra Singh, Sain Tiwari @ Saim Tiwari @ Surjit Tiwari, and Chandan Yadav @ Sonu have been granted bail by the Coordinate Benches of this Court as well as by this Court. The applicant is in jail in this case since 16.07.2022. His presence may be secured before the trial court by placing adequate conditions.

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 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.

10. Let applicant- Naved Ahmad 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.

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 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 :- 19.10.2023

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