

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12803 of 2023

Applicant :- Pankaj Alias Sonal

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

Counsel for Applicant :- Ravi Prakash Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Learned A.G.A. informs that she has procured complete instructions in the matter, including up-to-date case diary, and stated that charge-sheet in this case has been filed.

2. Heard 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- **Pankaj alias Sonal** for grant of bail in FIR/Case Crime No.0125 of 2023, under Section 3(1) U.P. Gangster and Anti Social Activities (Prevention) Act, 1986 lodged at Police Station Ajgain, District Unnao, during trial.

4. Learned counsel for the accused-applicant, while pressing the bail application, submits that the applicant has been falsely implicated in this case as well as in the three cases, mentioned in the gang-chart, however, in all the three cases, mentioned in the gang-chart, the applicant has been enlarged on bail by the trial Court, copies of which have been placed on record as Annexure Nos.3 and 4 to the affidavit filed in support of the bail application and Annexure SA-1 to the supplementary affidavit. It is further submitted that apart from the above mentioned three cases, the applicant has also been shown involved in two other criminal cases and, in these cases also, he has been enlarged on bail by the trial Court and coordinate Bench of this Court and the bail orders, pertaining to these cases, have been placed on record as Annexure Nos. 6 and 7 to the affidavit filed in support of the bail application. The applicant is languishing in jail in this case since 24.07.2023 and there is no apprehension that after being released on bail, he

may flee from the course of law or may otherwise misuse the liberty.

5. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed a heinous offence and, therefore, he is not entitled to be released on bail.

6. Having heard learned counsel for the parties and having perused the record, it is reflected that on the basis of three cases, provisions of the Gangsters Act have been invoked against the applicant, however, in those three cases the applicant has been enlarged on bail by the trial Courts. Criminal history of two other cases has also been alleged, however, in these two cases also, the applicant has been enlarged on bail by the trial Court as well as coordinate Bench of this Court. The applicant is languishing in jail in this case since 24.07.2023. The presence of the applicant may be secured before the trial court by placing adequate conditions.

7. 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 of the case, I am of the considered view that applicant has made out a case for bail. The bail application is, thus, **allowed**.

8. Let the accused/applicant- **Pankaj alias Sonal**, involved in above-mentioned 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.

9. In case of breach of any of the above conditions, it shall be a

ground for cancellation of bail.

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

11. 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 on the merits of the case.

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[Mohd. Faiz Alam Khan, J.]

Order Date :- 31.10.2023

MVS/-