

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13131 of 2023

Applicant :- Shah Alam @ Monu @ Sonu

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

Counsel for Applicant :- Nijam Ahamad

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Shri Nijam Ahamad, 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 on behalf of the applicant/**Shah Alam @ Monu @ Sonu** for grant of bail, in Case Crime No. 521 of 2022, under Section 3(1) of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986 Police Station Kotwali Akbarpur, District Ambedkar Nagar, during pendency of trial.
4. 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 three criminal cases mentioned in the gang chart. However, in all these three criminal cases mentioned in the gang chart, he has been released on bail by competent criminal courts and copies of the bail orders with regard to these three criminal cases have been placed at Annexure Nos. 3, 4 and 5 the bail application.
5. It is further submitted that apart from the above mentioned three criminal cases, the applicant is having criminal history of 16 cases and in these cases also he has been granted bail by competent criminal courts as well as by co-ordinate Benches of this Court and copies of the bail orders pertaining to 11 cases have been placed on record as Annexure No.6 to the bail application and the other 05 cases have adequately been explained in para no.4 of the supplementary affidavit dated 22.11.2023.
6. It is also submitted that identically placed co-accused person

of the crime, namely, Ravindra Verma has already been granted bail by a co-ordinate Bench of this Court, vide order dated 10.07.2023 passed in Criminal Misc. Bail Application No. 11853 of 2022. Applicant is in jail in this matter since 07.12.2022 and there is no apprehension that, if the facility of bail is granted to the applicant, he may flee from the course of law or will not appear before the court below, as also the evidence/material available on record is not strong enough to raise a presumption that the applicant is guilty of the offences mentioned in the gang chart.

7. Learned A.G.A. opposes the prayer for bail, but could not confront the factual submissions made by the learned counsel for the accused-applicant.

8. Having heard learned counsel for the parties and having perused the record, it is transpired from the record that applicant is involved in three criminal cases mentioned in the gang chart. However, in these three cases the applicant has been released on bail by competent criminal courts as well as by co-ordinate Benches of this Court. Apart from the above-mentioned three criminal cases, applicant is also involved in 16 other criminal cases and in these cases also he has been granted bail by competent criminal courts as well as by co-ordinate Benches of this Court and the same has been adequately explained in para no.21 of the bail application as well as in para no.4 of the supplementary affidavit dated 22.11.2023. Identically placed co-accused person of the crime, namely, Ravindra Verma has already been granted bail by a co-ordinate Bench of this Court. Apart from the above-mentioned criminal cases, applicant is not involved in any other criminal case. Applicant is in jail in this matter since 07.12.2022 and the presence of the applicant 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 of the case, I am of the considered view that applicant has made out a case for bail. The bail application is thus **allowed**.

10. Let the applicant/**Shah Alam @ Monu @ Sonu** 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.

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 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.

Order Date :- 20.12.2023

Praveen