

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13135 of 2023

Applicant :- Ram Suresh And Another

Opposite Party :- State Of Up Thru Prin Secy Home Deptt Civil Sectt Lko

Counsel for Applicant :- Rakesh Kumar Nayak

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 Rakesh Kumar Nayak, learned counsel for the accused/applicants as well as learned A.G.A. for the State and perused the record.

3. This bail application has been moved by the accused/applicants- Ram Suresh and Sandeep for grant of bail, in case Crime No. 180 of 2023, under Section 3(1) of Uttar Pradesh Gangsters & Anti- Social Activities (Prevention) Act, 1986, Police Station Malipur, District Ambedkar Nagar, during trial.

4. Learned counsel for the accused-applicants while pressing the bail application submits that the accused-applicants has falsely been implicated in the instant case as well as in the single case mentioned in the gang chart on the basis of which provision of Gangsters Act has been invoked. However, in the single case mentioned in the gang chart, the applicants have been granted bail by the competent criminal court and a copy of bail order pertaining to single case mentioned in the gang chart is placed on record as Annexure No.3 to the bail application.

5. It is further submitted that apart from the above single case mentioned in the gang chart, the applicants are not involved in any other criminal case and they in this case, are detained in prison since 24.06.2023 and there is no apprehension that the accused-applicants 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 applicants are either guilty of the offences

mentioned in the gang chart or may commit the same offences again as described in the gang chart.

6. Learned A.G.A. on the other hand submits that the applicants are accused of committing heinous offence and therefore, they are 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 applicants have been involved in this case on the basis of single criminal case mentioned in the gang chart and in this case the applicants have been granted facility of bail by the competent criminal court. Apart from the single case mentioned in the gang chart the applicants are not involved in any other criminal case. The applicants are in jail in this case since 24.06.2023 and their 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 applicants have made out a case for bail. The bail application is allowed.

9. Let applicant- Ram Suresh and Sandeep 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 :- 7.11.2023

Muk