

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13384 of 2023

Applicant :- Sadruddin And Another

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

Counsel for Applicant :- Farooq Ayoob

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 Farooz Ayoob, 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- **Sadruddin and Lotan @ Bilal** for grant of bail, in case Crime No. 213 of 2023, under Section 3 (1) of Uttar Pradesh Gangsters & Anti- Social Activities (Prevention) Act, 1986, Police Station Mohammadpur Khala, District Barabanki, during trial.
4. Learned counsel for the accused-applicants while pressing the bail application submits that the accused-applicants have falsely been implicated in the instant case as well as in the one case mentioned in the gang chart, however, in the case mentioned in the gang chart they have been granted facility of bail by the trial court and copy of bail order pertaining to this case is placed on record as Annexure No. 3 to the bail application.
5. It is further submitted that apart from the above mentioned one case, applicant No.1 Sadruddin is shown involved in one other case i.e. in case crime no. 102/2020 in which he is on bail but the bail order of same is not placed on record but explained in paragraph no. 4 of supplementary affidavit dated 09.11.2023. Whereas applicant no.2 Lotan @ Bilal is shown involved in another case and in that case he has been granted bail by the trial court and copy of that bail order is placed on record as Annexure no.4, respectively.
6. It is further submitted that identically placed co-accused

person namely, Lallu @ Jaleel And Kallu @ Shakeel have been granted bail by a Coordinate Bench of this Court, vide order dated 16.6.2023 passed in Crl. Misc. Bail Application No. 7762 of 2023. The applicants are in jail in this case since 18.10.2023 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 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 applicants are 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 applicants have been involved in this case on the basis of one criminal case mentioned in the gang chart and in this case they have been granted bail by the trial court. Apart from this one case the applicants are shown involved in one criminal case each and in all these cases also the applicant has been granted bail by the competent criminal courts. Identically placed co-accused person, namely, Lallu @ Jaleel And Kallu @ Shakeel have been granted bail by a Coordinate Bench of this Court. The applicant is in jail in this case since 18.10.2023. There 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 applicants have made out a case for bail. The bail application is allowed.

10. Let applicants- **Sadrudin and Lotan @ Bilal** 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 applicants shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.
- (ii) The applicants shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicants 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 applicants 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 :- 9.11.2023

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