

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13544 of 2023

Applicant :- Munna Lal @ Munnu And Another

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

Counsel for Applicant :- Arun Singh Somvanshi

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Learned A.G.A. informs that he has procured complete instructions in the matter including up-to-date case diary.
2. Heard 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 on behalf of the applicants/**Munna Lal @ Munnu** and **Ramakant @ Nanhake** for grant of bail, in Case Crime No. 492 of 2023, under Sections 2(b)(i)/3 & 2(b)(ii)/3 of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986 Police Station Phool Behar, District Kheri, during pendency of trial.
4. Learned counsel for accused-applicants while pressing the bail application submits that the applicants have been falsely implicated in the instant case as well as applicant no.1/Munna Lal @ Munnu in three cases and applicant no.2/Ramakant @ Nanhakein in two other cases mentioned in the gang chart. However, in all these criminal cases mentioned in the gang chart, they have been released on bail by competent criminal courts and copies of the bail orders with regard to these criminal cases have been placed at Annexure No. 3 to the bail application.
5. It is further submitted that apart from the above mentioned criminal cases, applicants are not involved in any other case. Applicants are in jail in this matter since 22.09.2023 and there is no apprehension that, if the facility of bail is granted to the applicants, they 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 applicants are guilty of the offences mentioned in the gang chart.
6. Learned A.G.A. opposes the prayer for bail, but could not confront the factual submissions made by the learned counsel for the accused-applicants.
7. Having heard learned counsel for the parties and having

perused the record, it is transpired from the record that applicant no.1/Munna Lal @ Munnu in three cases and applicant no.2/Ramakant @ Nanhake are involved in two other cases mentioned in the gang chart. However, in all these cases mentioned in the gang chart applicants have been released on bail by competent criminal Courts. Apart from the above-mentioned criminal cases, applicants are not involved in any other criminal case. Applicants are in jail in this matter since 22.09.2023 and the presence of the applicant 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 of the case, I am of the considered view that applicants have made out a case for bail. The bail application is thus **allowed**.

9. Let the applicants/**Munna Lal @ Munnu** and **Ramakant @ Nanhake** involved in above-mentioned case, be released on bail on their 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.

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 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 :- 9.11.2023/Praveen