

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13568 of 2023

Applicant :- Sohan Pal And 2 Others

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home U.P. Lko.

Counsel for Applicant :- Prem Prakash Singh

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 upto 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/**Sohan Pal, Shivam and Pavan Yadav @ Pappu** for grant of bail, in Case Crime No.286 of 2023, under Section 3(1) of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Rajesultanpur, District Ambedkar Nagar, during pendency of trial.
4. Learned counsel for accused-applicants while pressing the bail application submits that the accused-applicants have been falsely implicated in the instant case as well as in the single case mentioned in the gang chart and they have not committed any offence as claimed by the prosecution.
5. It is further submitted that in the single case mentioned in the gang chart, the applicants have been released on bail by the trial court, a copy of which has been placed as Annexure No.4 to this bail application and apart from the above mentioned case, the applicants are not involved in any other criminal case.
6. It is also submitted that the applicants are in jail in this matter since 20.10.2023 and only on the basis of single criminal case, the provisions of Gangster Act has been invoked against the applicants and the material which has been made the basis of lodging the first information report in this case is not sufficient enough to raise a presumption that the applicants are either guilty of the offences mentioned in the gang chart or may commit the same offences again if the facility of bail is granted to them.

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

8. Having heard learned counsel for the parties and having perused the record, it is evident that the provisions of Gangsters Act has been invoked against the applicants on the basis of single case mentioned in the gang chart, however, in the case mentioned in the gang chart they have been released on bail by trial court and apart from the above mentioned case, the applicants are not involved in any other criminal case. The applicants is in jail in this case since 20.10.2023. Nothing has been brought on record, which may suggest that the facility of bail granted by trial court pertaining to the offences mentioned in the gang chart has been challenged at any higher forum or has been cancelled by any superior court. The presence of the applicants could be secured before the trial court by placing adequate conditions/restrictions.

9. Having regard to the overall facts and circumstances of the case and keeping in view the submissions made by learned counsel for the applicants I find substance only for the purpose of releasing the applicants on bail. The bail application is, thus, **allowed**.

10. Let the applicants/**Sohan Pal, Shivam** and **Pavan Yadav @ Pappu** involved in the aforesaid case be released on bail on their furnishing 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 by this court are only for

the purpose of disposal of this bail application and shall not be construed as an expression of this Court on the merits of the case.

Order Date :- 16.11.2023

Anupam S/-