Court No. - 14
Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14063 of 2023
Applicant :- Aleem
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home U.P. Lko.
Counsel for Applicant :- Nripendra Mishra
Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Learned A.G.A. informs that he has procured complete instruction in the matter including up-to-date case diary.

2. Heard 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- **Aleem** for grant of bail, in Case Crime No. 271 of 2023, under Section 3(1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986 Police Station Rupaidiha, District Bahraich, 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 single case mentioned in the gang chart. However, in the single case mentioned in the gang chart, the applicant has been released on bail by a Co-ordinate Bench of this Court, vide order dated 22.11.2023 passed in Crl. Misc. Bail Application No. 9990 of 2023, a copy of which has been placed on record at Page No. 5 (Annexure no. SA-1) to the supplementary affidavit of date 24.11.2023 and apart from the aforementioned single criminal case, there is no any other criminal case pending against the applicant.

5. It is further submitted that the identically placed co-accused person, namely, Mushtaq has been granted bail by Co-ordinate Bench of this Court and a copy of that bail order pertaining to the co-accused has been placed on record. Applicant is in jail in this matter since 11.05.2023 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.

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-applicant.

7. Having heard learned counsel for the parties and having perused the record, it is transpired from the record that applicant is involved in the single case mentioned in the gang chart. However, in the single case mentioned in the gang chart, applicant has been released on bail by a Co-ordinate Bench of this Court. Apart from the above-mentioned case, applicant is not involved in any other case. Identically placed co-accused person, namely, Mushtaq has been granted bail by Co-ordinate Bench of this Court. Applicant is in jail in this matter since 11.05.2023 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 applicant has made out a case for bail. The bail application is thus **allowed**.

9. Let the applicant- **Aleem** 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.

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 :- 29.11.2023/Praveen

Digitally signed by :-
PRAVEEN KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench