

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 14216 of 2023

**Applicant :-** Sarju @ Suraj

**Opposite Party :-** State Of U.P. Trhu. Prin. Secy. Home Civilsectt. Lko.

**Counsel for Applicant :-** Mayank Pandey, Akhilesha Nand Pandey, Ravi Kant

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi, J.**

1. Heard Sri Ravi Kant learned counsel for the applicant, Sri Abhay Kumar Singh, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 286 of 2023, under Sections 3 (1) of U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986, registered at Police Station Raje Sultanpur, District Ambedkar Nagar.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 23.08.2023 against nine persons, including the applicant alleging that the accused persons have formed an organize gang and are engaged in anti social activities.

4. The gang chart mentions involvement of the applicant in a solitary case bearing Case Crime No.60 of 2023, under Sections 147, 148, 149, 302, 323, 324, 308, 447, 307,, 34 IPC and Section 25/27/30 Arms Act, Police Station Raje Sultanpur, District Ambedkar Nagar in which he has already been granted bail by means of an order dated 20.07.2023 passed by this Court in Criminal Misc Bail Application No. 9106 of 2023. Three co-accused persons have already been granted bail by means of an order dated 16.11.2023 passed by this Court in Criminal Misc Bail Application No.13568 of 2023.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated in the present case under U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986 on the basis of his

involvement in a solitary other case in which he has already been granted bail; the FIR vaguely alleges that the accused persons are engaged in commission of anti social activities, without giving any particular of any such activity committed by the applicant which makes the FIR allegations vague and prima facie it appears that on such allegations, the applicant may not be held guilty of the offence under U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986 and three co-accused persons have already been granted bail in the present case and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

7. Accordingly, this bail application stands allowed.

8. Let the applicant- **Sarju @ Suraj** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

**Order Date :- 4.12.2023**

Renu/-