

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14812 of 2023

Applicant :- Brijesh Kumar Verma @ Tillu

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

Counsel for Applicant :- Atul Verma, Arvind Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Atul Verma, the learned counsel for the applicant as well as Sri Vinod Kumar Shahi, the learned Additional Advocate General assisted by Sri Anurag Verma, learned AGA-I and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 144 of 2023, under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station Kaiserbagh, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 18.11.2023 for commissioning of offenses under Sections 120-B, 420, 467, 468, 471 IPC, by an inspector of Special Task Force stating that a *gram pradhan* had given a complaint stating that the applicant, who is a resident of the village, of which the complainant is *pradhan* has formed an organized gang, he is involved in manufacturing of illegal arms and in trade of narcotics and he threatens persons on the strength of the illegal arms. Upon making inquiries in furtherance of the complaint, it came to the light that the applicant is accused in case Crime No.218 of 2020 under Sections 147, 148, 149, 323, 506, 427, 447 IPC and Section 7 of the Criminal Law Amendment Act, Police Station- Madhavganj District- Hardoi. The applicant had submitted an affidavit before the returning officer for contesting assembly elections, in which he has made a mention of having a licensed pistol and a rifle. The license had been issued by Deputy Commissioner, Deemapur, Nagaland on 22.02.1989 and a fresh booklet had been issued on 30.06.2014. The FIR states that inquiries were made from the applicant also and he stated that both the arms had been deposited with an arms dealer at Calcutta on 25.06.2020 and 30.12.2019. The FIR further states that both the licenses had been issued showing two different addresses of the applicant and it alleges that the licensing authority, Deemapur has acted in a conspiracy with the applicant and has granted the license for his pecuniary and material benefits.

4. Strangely, although the FIR mentions that the licensing authority of Deemapur has acted in a conspiracy with the applicant in granting licenses to him illegally, the licensing

authority has not been arrayed as an accused in the FIR.

5. The FIR does not contain any allegation of commission of any offense under the Arms Act.

6. In the affidavit filed in support of the applicant it has been stated that the applicant is involved in three other cases two of which are already mentioned in the FIR and in the third case the applicant has been implicated after he was taken into custody in connection the present case and he has not been taken on remand in that case.

7. Learned Additional Advocate General has vehemently opposed the bail application of the applicant and he has submitted that the Principal Government Hindi Institute Deemapur, Nagaland has sent a letter dated 03.02.2023 to the Superintendent of Police clarifying that house No. 134 belongs to Government Hindi Institute, Deemapur and no person by the applicant's name has ever served or resided in the institute i.e., house no.134.

8. The learned Additional Advocate General has further stated that the arms license was obtained by the applicant by concealing his involvement in case Crime No. 64 of 2011, under Section 411, 420, 467, 468, 471 IPC Police Station-Cantt, District Lucknow.

9. The learned Additional Advocate General has further submitted that the applicant was using a four wheeler vehicle carrying a vehicle pass issued by the Secretariat, which had not been issued in the name of the applicant. Learned AGA has produced a copy of the relevant extract of case diary for perusal of the Court, wherein it is recorded that the vehicle pass issued by the Secretariat, U.P. was verified and it has come to light that the vehicle pass had actually been issued by the Secretariat, though in the name of an MLA and not in the name of the applicant.

10. Replying to the aforesaid submission, learned counsel for the applicant submitted that the vehicle belonged to and is used by the concerned MLA and, therefore, he had himself put the vehicle pass on the vehicle.

11. I have considered aforesaid facts and circumstances of the case.

12. What prima facie transpires from the material available before this Court at this Stage is that the license in question was issued to the applicant by Deputy Commissioner Deemapur,

Nagaland in the year 1989 and a fresh booklet was issued to him on 30.06.2014. The license mentioned the present address of the applicant as house No. 309, Duncan Basti, Deemapur Nagaland and his permanent address is also mentioned as Dilkushad, P.S.- Bijnor, District- Lucknow. The license was renewed by the authority and thereafter the applicant has deposited the arms in the year 2020. The FIR has been lodged in furtherance of a complaint filed by the village *pradhan* stating that applicant is gangster, he is engaged in manufacturing of illegal arms and he threatens persons on the strength of his licensed arms. Although the applicant is involved in three other cases, none of the cases relate to the offense under the Gangsters Act or under the Arms Act and, therefore, the submission, the applicant being a gangster or manufacturer of illegal arms is not supported by any material. The complainant has alleged that the applicant threatens persons on the strength of illegal arms whereas the arms are lying in the safe deposit for the past more than three year. Although the FIR alleges that the licensing authority has acted in conspiracy with the applicant in granting the license, the licensing authority has not been made an accused in the FIR. Otherwise there is presumption in law that the licensing authority had acted in a regular manner while granting license to the applicant.

13. Having considered the aforesaid facts and circumstances of the case I am of the view that the aforesaid facts are sufficient for making a case for enlargement of the applicant on bail.

14. Accordingly, this bail application stands **allowed**.

15. Let the applicant- Brijesh Kumar Verma @ Tillu 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 the 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.

(Subhash Vidyarthi,J.)

Order Date :- 18.12.2023/Vipul