

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15179 of 2023

Applicant :- Jai Prakash Prajapati

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

Counsel for Applicant :- Sudhir Kumar, Sunil Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Learned A.G.A. informs that he has procured complete instructions in the matter including up to date case diary and the charge sheet in this case has already been submitted.
3. Heard learned counsel for the accused/applicant as well as learned A.G.A. for the State and perused the record.
4. This bail application has been moved by the accused/applicant- **Jai Prakash Prajapati** for grant of bail, in case Crime No.0916/2021, under Section 3(1) of Uttar Pradesh Gangsters & Anti- Social Activities (Prevention) Act, 1986, Police Station Gomti Nagar, District Lucknow, during trial.
5. Learned counsel for the accused-applicant while pressing the bail application submits that the accused-applicant has falsely been implicated in this case as well as in the 19 cases mentioned in the gang chart, however, in all these cases on the basis of which provision of Gangsters Act has been invoked against the applicant, he has been released on bail by the trial courts as well as by the Coordinate Benches of this Court and bail orders of these 19 cases have been placed on record as Annexures No.3 to the bail application.
6. It is further submitted that apart from the above mentioned 19 cases shown in the gang chart criminal history of 32 more cases have been shown against the applicant, however, the same has been explained in paragraph 7 of the bail application and in all these cases also the applicant has been granted bail by the trial courts as well as by the Coordinate Benches of this Court.
7. It is vehemently submitted that all the cases shown in the gang chart as well as the criminal history has been instituted on

account of the fact that the applicant was employed in Mashayar Group of Companies and there was no active role of the applicant in all the dealings which have been disputed by the informant of the First Information Reports and finding no substance in all these cases the applicant has been granted bail and all these cases are identical in nature.

8. It is further submitted that as per the knowledge of the applicant, none of the orders whereby the facility of bail has been extended to the applicant has been challenged at any higher forum nor has been cancelled by the Courts which have granted bail to the applicant.

9. It is further submitted that criminal history of 32 cases shown against the applicant may also not be relevant for the purpose of the instant case as the prosecution has chosen only 19 cases for the purpose of invocation of Gangsters Act. Identically placed co-accused person of the alleged crime, namely, Jainuddin Ansari has been released on bail by this Court, vide order dated 29.11.2023 passed in Criminal Misc. Bail Application No.14058 of 2023. The applicant is in jail in this case since 25.07.2021. Charge sheet in this case has already been submitted and keeping in view the allegations levelled in the First Information Reports and the material collected by the Investigating Officer in the instant case is not sufficient enough to raise any presumption that the applicant is either guilty of the offences mentioned in the Gang chart or he may flee from the course of law if the facility of bail is granted to him in this case.

10. Learned A.G.A. opposes the prayer of bail of the applicant, however, he could not confront the submissions made by learned counsel for the applicant with regard to the fact that in all the cases shown in the gang chart as well as criminal history he has been granted bail by the competent criminal courts.

11. Having heard learned counsel for the parties and having perused the record, it is reflected that on the basis of 19 criminal cases, the provision of Gangsters Act has been invoked against the applicant, however, in all these cases the applicant has been granted bail by the competent criminal courts. Apart from 19 cases shown in the gang chart criminal history of 32 more cases have been shown against the applicant, however in all these cases also the applicant has been granted bail. The bail orders with regard to all these cases are placed on record. Nothing has been brought in the knowledge of the applicant which may show that any order passed in favour of the applicant has been challenged before any higher forum or cancelled by the same courts. Identically placed co-accused person of the alleged crime, namely, Jainuddin Ansari has been

released on bail by this Court. The applicant is in jail in this case since 25.07.2021. Charge sheet in this case has already been submitted. Presence of the applicant may be secured before the trial court by placing adequate conditions.

12. 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 and demerits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is **allowed**.

13. Let applicant- **Jai Prakash Prajapati** involved in the aforesaid case be released on bail on 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.

14. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

15. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

16. Observations made herein-above are only for the purpose of disposal of bail application and the same shall not have any bearing on the trial of the case.

Order Date :- 21.12.2023

Anupam S/-