Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13069 of 2024

Applicant :- Vishal @ Shalu

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

Counsel for Applicant :- Pradyumn Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.

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 sole case mentioned in the gang chart. In that case, he has been released on bail. The bail order is on record as Annexure No. 3 to the bail application. Apart from the sole case mentioned in the gang chart, there are two other cases pending against the accused applicant in which also he has been enlarged on bail. The bail orders are on record as Annexure No. 4 and 5 to the bail application.

It has been further submitted that applicant is in jail since 12.11.2024 and if facility of bail is granted, there is no apprehension that he will flee from the judicial process and he will abide by the orders passed by the Court below and will co-operate in speedy trial of the case.

Learned A.G.A. has opposed the prayer for bail but has not disputed the factual submissions made by the learned counsel for the accused-applicant.

On due consideration to the fact that in the sole case mentioned in the gang chart as well as in two other cases, he has been

enlarged on bail; apart from those three cases, there is no other case pending against-applicant as well as considering the fact that the applicant is languishing in jail since 12.11.2024 and without expressing any opinion on the merits of the case, I find it to be a fit case for enlarging the applicant on bail.

Accordingly, the bail application is allowed.

Let the applicant, ***Vishal @ Shalu,*** involved in Case Crime No. 675/2023, under Sections 2/3 of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station - Gangaghat, District - Unnao, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

(iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(v) The applicant shall submit an undertaking on affidavit in terms of Section 19 (4) of the U.P. Gangster and Anti Social Activities (Prevention) Act, 1986 that he will not indulge in any case for or misuse the liberty of bail.

(vi) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(vii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section

82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

Order Date :- 18.12.2024

R.C.

Digitally signed by :-
RAM CHANDER YADAV
High Court of Judicature at Allahabad,
Lucknow Bench