

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13054 of 2024

Applicant :- Raj Pratap Singh @ Shekhar Singh

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home Govt. Lko.

Counsel for Applicant :- P.K. Singh Bisen

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Ms. Pallavi Mishra, learned Advocate holding brief of Sri P.K. Singh Bisen, learned counsel for the applicant and Sri Anant Pratap Singh, learned Additional Government Advocate for the State.

2. As per learned counsel for the applicant, the present applicant (Raj Pratap Singh @ Shekhar Singh) is languishing in jail since 03.12.2024 in Case Crime No.412 of 2021, under Section 2/3 of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station-Kunda, District-Pratapgarh.

3. Learned counsel for the applicant has submitted that the present applicant has falsely been implicated in this case as he has not committed any offence as alleged in the prosecution story.

4. Learned counsel for the applicant has further submitted that against the present applicant, there is only one case shown in the gang chart (Annexure No.2) in which the applicant has been granted anticipatory bail by this Court vide order dated 25.08.2021 (Annexure No.3) passed in Criminal Misc. Anticipatory Bail Application (U/S 438 Cr.P.C.) No.2791 of 2021; Raj Pratap Singh @ Shekhar Singh vs. State of U.P. and another . He has also submitted that in this case the co-accused, namely, Sudhakar Singh has been granted bail by this Court vide order dated 05.03.2022 passed in Criminal Misc. Bail Application No.2190 of 2022; Sudhakar Singh vs. State of U.P. & others (Annexure No.4), therefore, the present applicant may also be granted bail on the basis of principles of parity.

5. Learned counsel for the applicant has further submitted that the present applicant has not misused the liberty of bail so granted to him and detention of the present applicant under Gangster Act is unwarranted. He undertakes that the applicant

shall not misuse the liberty of bail, if so granted by this Court and shall abide by all terms and conditions of the bail order and shall cooperate with the trial proceedings.

6. Learned Additional Government Advocate has, however, opposed the prayer for bail but he has not disputed the aforesaid submission of learned counsel for the applicant.

7. Having heard learned counsel for the parties and having perused the material available on record; considering the fact the case shown in the gang-chart the applicant has been granted bail by this Court vide order dated 25.08.2021 (supra) and also considering the fact that the co-accused person has already been granted bail by this Court vide order dated 05.03.2022 (supra); undertaking that the applicant shall not misuse the liberty of bail and shall abide by all terms and conditions of the bail order and shall cooperate with the trial proceedings; without expressing any opinion on merits of the case, I am of the view that the present applicant may be released on bail.

8. Accordingly, the instant bail application is ***allowed***.

9. Let the applicants (Raj Pratap Singh @ Shekhar Singh) be released on bail in the aforesaid case crime number 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:-

(i) 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.

(ii) 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.

(iii) 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 applicants fail 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.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii)

framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law. The present applicant shall not leave the country without prior permission of the Court.

[Rajesh Singh Chauhan,J.]

Order Date :- 18.12.2024

Suresh/