



2025:AHC:174822

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S
482 BNSS No. - 7996 of 2025

Rajender Sharma

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	J.B. Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant as well as Sri V.P.Tripathi, learned AGA for the State, and perused the material placed on record.
2. This application has been filed seeking anticipatory bail in Case Crime No. 119 of 2018, under Section 2/3(1) U.P. Gangster and Antisocial Activities (Prevention) Act, Police Station Ecotech-Ist, District Gautam Budh Nagar.
3. Learned counsel for the applicant submits that according to the gang chart, one case is shown against the applicant and in the said case the applicant has been granted anticipatory bail by the Sessions Judge, Gautam Budh Nagar vide order dated 12.01.2024 passed in Anticipatory Bail Application No. 6093 of 2022. Counsel for the applicant further submits that in the F.I.R., in issue, the allegations with regard to disturbing the public order, as also regarding gaining undue temporal, pecuniary, material or other advantage of like nature against the applicant are vague. In absence of allegation concerning an act or omission on the part of an accused, covered by the definition of terms "gang" and "gangster" as provided under Section 2 of the Gangsters Act, no

F.I.R. is maintainable. In the instant case, the F.I.R. is based upon solitary criminal case and not upon any new allegations or discovery of facts having serious reflection on the society, for which purpose the Gangsters Act was enacted. It is next contended that the during the course of investigation, the applicant was granted protection till submission of police report by this Court vide order dated 18.12.2018 passed in Criminal Misc. Writ Petition No. 36923 of 2018. At this stage there is no credible evidence to link the applicant with the offence. Investigation has been completed. Charge sheet has been submitted. The applicant had co-operated in the investigation. The applicant has been summoned by the concerned court. No custodial interrogation is required. The applicant has no criminal antecedents. The applicant has apprehension of his arrest in the above mentioned case. In case, the applicant is granted anticipatory bail till conclusion of trial, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for anticipatory bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made, considering the nature of accusations and antecedents of the applicant, in particular the fact, that the applicant has been enlarged on bail in the solitary case pending against him; at this stage, there is no substantive evidence to link the applicant with the offence; during the course of investigation, the applicant was granted protection till submission of police report by this Court; charge sheet has been submitted, the applicant had co-operated in the investigation, no custodial interrogation is required, without commenting on merits of the case, I am of the opinion that the applicant is entitled for anticipatory bail.

6. In the event of arrest, the applicant **Rajender Sharma**, involved in the aforesaid case crime be released on anticipatory bail during pendency of trial, on furnishing a personal bond of

Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) the applicant shall make himself available on each date fixed in the matter by the court concerned;

(ii) 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 from disclosing such facts to the Court;

(iii) the applicant shall not leave India without the previous permission of the Court and if he has passport the same shall be deposited by him before the concerned court.

7. In default of any of the conditions, the court concerned is at liberty to pass appropriate orders for enforcing and compelling the same.

8. The application stands disposed of.

September 26, 2025

Lbm/-

(Vivek Varma,J.)