Court No. - 50

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 24847 of 2020

Applicant :- Manjeet @ Toni
Opposite Party :- State of U.P.
Counsel for Applicant :- Narendra Singh Chahar
Counsel for Opposite Party :- G.A.

Hon'ble Gautam Chowdhary,J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material brought on record.

The present bail application has been filed on behalf of the applicant, with a prayer to release him on bail in Case Crime No. 459 of 2019, under Section- 2/3 U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station- Partapur, District- Meerut, during pendency of trial.

The submission advanced by learned counsel for the applicant is that the applicant is innocent and has been falsely implicated in the present case due to ulterior motive. It is further submitted that the applicant is neither the leader/member of any gang nor involved in any anti-social activity. Learned counsel further submits that only one case has been shown in the gang chart against the applicant in which he has already been enlarged on bail and except that the applicant has previous criminal history which is clearly mentioned in Para-7 of the affidavit wherein also he has been granted bail. Copies of the bail orders are annexed as Annexure Nos. 2 to 10 to the bail application. It is further contended that the co-accused, Dharmveer, has already been granted bail by this Court. The applicant is languishing in jail since 18.2.2020. If he is released on bail, he will never misuse his liberty and will co-operate in the trial.

Learned AGA for the State has vehemently opposed the prayer for bail.

Having considered the material on record, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of **Dataram Singh Vs. State of U.P. and another**, reported in **(2018) 3 SCC 22** and without expressing any opinion on the merits of the case, let the applicant - **Manjeet @ Toni,** involved in the aforesaid crime 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 that :-

1. The applicant shall not tamper with the prosecution evidence

by intimidating/ pressurizing the witnesses, during the investigation or trial.

2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

4. In case the applicant has been enlarged on short term bail as per the order of committee constituted under the orders of Hon'ble Supreme Court his/her bail shall be effective after the period of short-term bail comes to an end.

5. The applicant shall be enlarged on bail on execution of personal bond without sureties till normal functioning of the courts is restored. The accused will furnish sureties to the satisfaction of the court below within a month after normal functioning of the courts are restored.

6. The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

7. The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

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

Order Date :- 8.9.2020
Vandana