Court No. - 91

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39856 of 2020

Applicant :- Nawab Khan
Opposite Party :- State of U.P.
Counsel for Applicant :- Ravi Prakash Singh
Counsel for Opposite Party :- G.A.

Hon'ble Chandra Dhari Singh,J.

Heard learned counsel for the applicant, learned AGA and perused the record.

The accused-applicant is involved in Case Crime No.300 of 2020 under section 2/3 of U.P. Gangster and Anti Social Activities (Prevention) Act, P.S. Gandhi Park, District Aligarh.

Learned counsel for the applicant has submitted that two cases have been shown in the Gang Chart and in the first case, he has been granted bail by this Hon'ble Court vide order dated 06.07.2017 passed in Bail No.21627 of 2017 while in another case, which is less than of seven years, the applicant is on interim bail. It has also been submitted that the applicant is not involved in any antisocial activities and he has been falsely implicated. The applicant has no other criminal history except the cases shown in the Gang Chart. The applicant is in jail since 24.09.2020. It has also been submitted that there is no possibility of the applicant's fleeing away from the judicial process or tampering with the witnesses. Learned counsel submits that in case the applicant released on bail, he will not misuse the liberty of bail and will cooperate in trial.

Learned AGA has opposed the prayer for bail but not contradicted the aforesaid fact.

Taking into consideration the facts and circumstances of the case but without expressing any opinion on merits, let the applicant **Nawab Khan** be released on bail in aforesaid first information report number on his furnishing a personal bond, provided that the accused/applicant shall also undertake to furnish two reliable sureties required by the Court concerned, within a period of 6 weeks from the date of his/her actual release with the following conditions:

1. The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence and 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.

2. 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.
3. In case, the applicant misuses the liberty of bail 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.
4. 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 default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of his bail and proceed against him in accordance with law.
5. The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.
6. The computer generated copy of such order shall be self attested by the counsel or the party concerned.
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.

Order Date :- 26.11.2020
VNP/-