Court No. - 3
Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41036 of 2020
Applicant :- Ajeem @ Ajju
Opposite Party :- State of U.P.
Counsel for Applicant :- Chandra Nath Bhatt
Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Heard Sri Chandra Nath Bhatt, learned counsel for the applicant and learned A.G.A. Perused the record.

This application has been filed seeking the release of the applicant on bail in Case Crime No. 281 of 2020, under Section 3(1) of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station Mandi Dhanaura, District Amroha.

It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the aforesaid case on the basis of two other criminal cases registered as Case Crime no. 88 of 2020 under Section 3/5/8 of Cow Slaughter Act, Police Station Mandi, Dhanaura , District Amroha and Criminal Case No. 94 of 2020 under Section 3/5/8 of Cow Slaughter Act, Police Station Mandi, Dhanaura , District Amroha. Both the aforesaid cases have been registered against unknown persons and the applicant has already been released on bail by the court below by order dated 18.09.2020 in the aforesaid cases. It is further submitted that provisions of the Act have been ill-used by the police in order to perpetuate the detention of the applicant in jail anyhow even though the offence under the aforesaid Act is not made out. It is also submitted that the applicant is not a gangster and has never acted or conducted himself as such. The applicant is languishing in Jail since 10.05.2020. There is no likelihood of any early conclusion of trial.

Learned A.G.A. has opposed the prayer for bail but could not dispute the fact of applicant having been released on bail in all the criminal cases which have been shown to be the basis of imposing the provisions of the Act.

After perusing the record in the light of the submissions made at the bar and after taking an overall view of all the facts and circumstances of this case, the nature of evidence, the period of detention already undergone, the unlikelihood of early conclusion of trial and also the absence of any convincing material to indicate the possibility of tampering with the evidence and larger mandate of the Article 21 of the Constitution of India.

Without expressing any opinion on the merits of the case, let the applicant- Ajeem @ Ajju involved in Case Crime No. 281 of 2020, under Section 3(1) of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station Mandi Dhanaura, District Amroha, be released on bail on his executing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned on the following conditions :-

(1) The applicant will not make any attempt to tamper with the prosecution evidence in any manner whatsoever.

(2) The applicant will personally appear on each and every date fixed in the court below and his personal presence shall not be exempted unless the court itself deems it fit to do so in the interest of justice.

(3) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

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

(5)The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad or certified copy issued from the Registry of the High Court, Allahabad.

(6) 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

It may be observed that in the event of any breach of the aforesaid conditions, the court below shall be at liberty to proceed for the cancellation of applicant's bail.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of the bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 24.11.2020
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