Court No. - 83

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41721 of 2020

Applicant :- Avanish Singh Urf Mintu
Opposite Party :- State of U.P.
Counsel for Applicant :- Ashutosh Kumar Pandey
Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Supplementary affidavit filed today is taken on record.

Heard Sri Ashutosh Kumar Pandey, learned counsel for the applicant and learned AGA for the State.

A first information report was lodged against the applicant as Case Crime No. 631 of 2020 at Police Station- Sarai Lakhansi, District- Mau on 02.08.2020, under Section 3(1) of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986.

The bail application of the applicant was rejected by learned Additional District and Sessions Judge/ POCSO Court No. 3, Mau on 08.10.2020.

The applicant is in jail since 27.7.2020 pursuant to the said F.I.R.

Sri Ashutosh Kumar Pandey,, learned counsel contends that the applicant has been enlarged on bail in all the four cases depicted in the gang chart which have caused the institution of case crime no. 631 of 2020 under Section 3(1) of the Uttar Pradesh Gangster and Anti-Social Activities (Prevention) Act, 1986. The orders granting bail are appended to the bail application. It is also asserted that apart from the above said cases the applicant does not have any criminal history.

Learned A.G.A. has opposed the bail application.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Avanish Singh Urf Mintu be released on bail in Case Crime No. 631 of 2020 at Police Station- Sarai Lakhansi, District- Mau, under Section 3(1) of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 registered on 02.08.2020 at Police Station- Sarai Lakhansi, District- Mau, on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(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 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.

(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.

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

(vi) The computer generated copy of such order shall be self attested by the counsel of the party concerned.

(vii) 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 :- 3.12.2020
Nadeem Ahmad