Court No. - 91

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45148 of 2020

Applicant :- Anand Upadhyaya @ Kariya
Opposite Party :- State of U.P.
Counsel for Applicant :- Ratnesh Kumar Pathak
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, **Anand Upadhyaya @ Kariya**, with a prayer to release him on bail in Case Crime No. 72 of 2020, under Section 3(1) U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station- Rampur, District-Jaunpur, 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. It is further submitted that in the sole case, shown in the gang chart, which has been made the basis to impose the provisions of Gangster Act against the accused, he has already been granted bail by the Court. Submission is that the applicant is not a gangster and has never acted or conducted himself as such. Counsel for the applicant has also tried to justify the alleged previous offences which are said to have been committed by the applicant. Further submission is that as the applicant has already been released on bail in the case on the basis of which the provisions of the Act were imposed, it shall not be much justified to continue the incarceration of the applicant. It has been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the Court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. It has also been submitted that the applicant is languishing in jail since 4.7.2020.

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, 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 :- 10.12.2020
Vandana