

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 55295 of 2019

Applicant :- Smt. Asha

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Kr. Srivastava, Awadhesh Kumar Srivastava

Counsel for Opposite Party :- G.A

Hon'ble Jayant Banerji, J.

Counter affidavit filed on behalf of the State is taken on record.

Heard learned counsel for the applicant and Shri Shivam Srivastava, learned brief holder, appearing for the State.

This application has been filed on behalf of the applicant with a prayer to enlarge him on bail in Case Crime No.876 of 2019 under Section 2/3 of U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station-Modi Nagar, District-Ghaziabad, during the pendency of the trial before the court below.

An FIR dated 5 September 2019 was lodged against the applicant and several others alleging offences under the Gangsters Act.

The contention of the learned counsel for the applicant is that the gang-chart appearing on page no.11 of the affidavit reflects only one criminal case against the name of the applicant, being Case Crime No.410 of 2019 and the applicant has been enlarged on bail in the aforesaid criminal case. It is contended that the applicant is an innocent person, who has been falsely implicated in the case, and that other than the aforesaid case, the applicant has no previous criminal history except the present one. It is further contended that the applicant is neither a leader nor a

member of any gang. It is, therefore, contended that the applicant be enlarged on bail.

Learned brief holder for the State, on the basis of instructions, has opposed the prayer for bail, but could not dispute the fact that the applicant has been enlarged on bail in all the cases reflected against her name in the gang-chart and that other than the aforesaid cases, there is no other criminal history of the applicant.

Considering the facts and circumstances and without entering into the merits of the case at this stage, this appears to be a fit case for bail. The bail application is, accordingly, **allowed**.

Let the **applicant-Smt. Asha** wife of Shri Krishna Pal @ Doctor, be released on bail in the aforesaid case on her furnishing a **personal bond of Rs.2,00,000/-** with two sureties each of the same amount to the satisfaction of the court below with the following additional conditions which are being imposed in the interest of justice :-

1. The applicant shall cooperate with any investigation in the case;
2. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;
3. The applicant shall cooperate in the trial sincerely without seeking any unnecessary adjournment and shall strictly comply with the terms of the bonds to be furnished before the court below;
4. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail; and

5. The applicant shall report at the Police Station-Modi Nagar, District-Ghaziabad on the 7th day of every month to mark her attendance.

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

Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. The court below shall also verify that none of the sureties are sureties for any other accused person in any other case.

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

Order Date :- 28.2.2020
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(Jayant Banerji, J.)