

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11696 of 2022

Applicant :- Zaid

Opposite Party :- State Of U.P. Through The Secretary , Department Of Home

Counsel for Applicant :- Mohammad Daud, Imran Ullah, Mohammad Daud

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of this bail application the applicant Zaid has prayed to be enlarged on bail in Case Crime No. 235 of 2021 at Police Station-Puramufti District Prayagraj under Sections 2/3(1) U.P. Gangsters and Anti Social Activities (Prevention) Act. The applicant is in jail since 07.07.2021.

The bail application of the applicant was rejected by learned Special Judge (Gangster Act), Allahabad on 31.08.2021.

Shri Mohammad Daud, learned counsel for the applicant contends that the applicant has been falsely implicated in the instant case. The applicant has been enlarged on bail in the solitary criminal case depicted in the gang chart. He is not member of any criminal gang. Learned counsel for the applicant has explained the criminal history of the applicant and contends that the same has no bearing on the instant case. Lastly it is contended by the learned counsel for applicant that the applicant shall not abscond and will cooperate in the criminal law proceedings. The applicant shall not tamper with the evidence nor influence the witnesses in

any manner.

Shri I.P. Srivastava, learned AGA could not satisfactorily dispute the aforesaid submissions from the record. Learned A.GA does not contest the criminal history of the applicant as disclosed in the bail application.

I see merit in the submissions of learned counsel for the applicant and accordingly hold that the applicant is entitled to be enlarged on bail.

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-Zaid be released on bail in the aforesaid case crime number on 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 will not tamper with the evidence during the trial.

(ii) The applicant will not influence any witness.

(iii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv) The applicant shall not directly or indirectly make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from

disclosing such facts to the Court to any police officer or tamper with the evidence.

In case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 31.3.2022
Nadeem