

**Court No. - 76**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 31195 of 2022

**Applicant :-** Arjun

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Dinesh Kumar

**Counsel for Opposite Party :-** G.A.

**Hon'ble Siddharth,J.**

Heard learned counsel for the applicant as well as the learned A.G.A for the State and perused the material placed on record.

The instant bail application has been filed on behalf of the applicant, Arjun, with a prayer to release him on bail in Case Crime No. 194 of 2022, under Sections- 3(1) of U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station- Hasanpur, District- Amroha, pendency of trial.

It is argued by the learned counsel for the applicant that according to the gang chart, the applicant is said to have been involved in three cases in which he has already been enlarged on bail by the court concerned. The applicant has falsely been implicated in the present case due to police rivalry. The applicant is not a member of any gang. The applicant is languishing in jail since 07.06.2022. In case he is enlarged on bail he will not misuse the liberty of bail.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserves any indulgence. In case the applicant is released on bail, he will again indulge in similar activities and will misuse the liberty of bail.

Having considered the submissions of the parties noted above, larger mandate of the Article 21 of the Constitution of India 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 :-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) 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.

(iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.

(iv) 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.

(v) 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.

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.

**Order Date :- 29.7.2022**

Rohit