

# **Smt. Naseem Bano Alias Hasan vs State Of U.P. And Another on 3 March, 2025**

**Author: Deepak Verma**

**Bench: Deepak Verma**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29590

Court No. - 70

Case :- CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 916 of 2025

Applicant :- Smt. Naseem Bano Alias Hasan

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Aditya Prasad Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Supplementary affidavit filed today by learned counsel for the applicant, is taken on record.
2. Heard learned counsel for the applicant and learned A.G.A. for the State.
3. The instant Anticipatory Bail Application has been filed with a prayer to grant an anticipatory bail to the applicant in Case Crime No. 161 of 2021, under Sections 2/3 U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station- Railway Road, District- Meerut, during the pendency of trial.

4. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the present case due to ulterior motive. He next submitted that applicant has been implicated in the Gangster Act on account of three cases shown against her in the gang chart. Total four cases are pending against the applicant. In one case, applicant has been acquitted by the Trial Court. He next submitted that applicant challenged the first information report lodged under Section 2/3 U.P. Gangsters and Anti Social Activities (Prevention) Act, 1987 before this Court by filing Criminal Misc. Writ Petition No. 887 of 2022 and the Division Bench of this Court vide order dated 21.02.2022 passed following order:

"Heard learned counsel for the petitioner and learned AGA for the State.

Pursuant to the order dated 09.02.2022, learned AGA has produced the Gang Chart, in which, there are four cases against the petitioner including the instant case.

Under the circumstances, there is no prima facie illegality in the impugned first information report. It is not one of those cases, where the argument is that the provisions of the Gangster were invoked on the basis of a single case, even though the provision of 3(1) of the Act can be invoked also on the basis of a single case.

The writ petition is dismissed, accordingly. "

5. Thereafter, applicant challenged the order passed by the Hon'ble Division Bench of this Court before Hon'ble Apex Court by filing Petition(s) for Special Leave to Appeal (Crl.) No(s). 6675 of 2022 and Hon'ble Apex Court vider order dated 26.09.2022 passed following order:

"List the matter after four weeks on an non miscellaneous day.

The respondents are directed not to arrest the petitioner in connection with FIR No. 0161/2021 dated 22.12.2021 registered at Police Station Railway Road, Meerut, U.P., until further orders."

6. Thereafter, Investigating Officer submitted charge-sheet and Hon'ble Apex Court after getting information that charge-sheet has been submitted in the matter, dismissed the aforementioned petition for special leave to appeal vide order dated 28.11.2024 with following order:

"1. Arising out of the order impugned passed by the High Court dismissing the Writ Petition filed by the petitioner seeking quashment of the FIR, the present Special Levave Petition has been filed.

2. During the course of hearing, it is informed that the charge-sheet against the petitioner has been filed long back on which the cognizance has also been taken by the Court. However, in the facts and allegation as alleged, we are not inclined to interfere in the order impugned.

3. At this stage, petitioner's counsel sought extension of the interim order dated 26.09.2022 by which, the respondents were restrained to arrest him in connection with FIR No. 161/2021 dated 22.12.2021 registered at Police Station, Railway Roda, Meerut, Uttar Pradesh. As prayed the interim order is extended for a period of six weeks to enable the petitioner to seek bail before the competent Court.

4. In view of the foregoing, this Special Leave Petition stands dismissed extending interim order for a period of six weeks. We clarify that on filing an application for bail by the petitioner, it be decided on its own merit and the trial court shall not be influenced by the dismissal of this special leave petition for quashment. Pending applicants, if any, stand disposed of."

7. Thereafter, applicant moved instant anticipatory bail application. He next submitted that applicant is having no concern with the alleged incident. Hon'ble Apex Court has stayed arrest of the applicant during investigation. Lastly, it is submitted that the applicant is apprehensive of imminent arrest. In case, the applicant is released on bail, she would not misuse the liberty of bail and would cooperate with the trial.

8. Per contra, learned A.G.A. vehemently opposed the anticipatory bail application of the applicant and submitted that Gangsters Act itself is a preventive measure act to protect the public from threat, intimidation by the person involved in criminal act and anti-social activities. Applicant is having criminal history of four cases. On perusal of contents of first information report, it is apparent that there is threat and intimidation on account of activities of the applicant and other named accused persons. Since, charge-sheet has been submitted, prima facie, offence is made out against the applicant. Hence, applicant should not be released on anticipatory bail.

9. Considered the submissions raised by learned counsel for the parties and perused the entire record. From perusal of order-sheet, it is apparent that applicant has been implicated in the Gangster Act on account of three cases shown against her in the gang chart. As per learned A.G.A. instructions, total four cases are pending against the applicant. In one case, applicant has been acquitted by the Trial Court. Gangsters Act is a preventive measure act to protect the person from threat, victim or intimidation and are involved in anti-social activities. However, I.O. has submitted charge-sheet after collecting sufficient evidence and court concerned has taken cognizance and issued summons. No interference is warranted by this Court.

10. Accordingly, the present anticipatory bail application is rejected.

11. However, if the applicant surrenders before the concerned court within three weeks from today and applies for regular bail, the bail application shall be decided expeditiously by the court concerned, in accordance with law laid down by the Apex Court in Satender Kumar Antil Vs. Central Bureau of Investigation and another; reported in 2021 SCC OnLine SC 922.

12. For the period of three weeks from today or till the time of surrender of the applicant before the court below, whichever is earlier, no coercive action shall be taken against the applicant.

Order Date :- 3.3.2025 Aditya