

Lalit Yadav vs State Of U.P. Thru. Prin. Secy. Home Lko. on 1 April, 2025

Author: Manish Mathur

Bench: Manish Mathur

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:18120

Court No. - 13

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6327 of 2024

Applicant :- Lalit Yadav

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Sagar Singh, Shri Ram Maurya, Smriti

Counsel for Opposite Party :- G.A.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for applicant, learned Additional Government Advocate appearing on behalf of State and perused the record.
2. This first bail application has been filed with regard to Case Crime No.990 of 2023, under Section 2/3 U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, P.S. Kotwali, District Unnao.
3. It has been submitted that in the gang chart applicant has been shown involved in eight cases bearing Case Crime Nos. 600 of 2023 under Sections 41 Cr.P.C. and 379, 411, 413, 414, 420, 465 IPC, 598 of 2023 under Sections 379, 411, 413, 414 IPC, 563 of 2023 under Sections 379, 411, 413,

414 IPC, 595 of 2023 under Sections 379, 411, 413, 414 IPC, 536 of 2023 under Sections 379, 411, 413, 414, 420, 465 IPC, 599 of 2023 under Sections 379, 411, 413, 414 IPC, 596 of 2023 under Sections 379, 411, 413, 414 IPC in which applicant has already been enlarged on bail by court below vide orders dated 18.09.2023 annexed as annexure-3 to the bail application and in Case Crime No. 591 of 2021 under Sections 379, 411, 420, 46 IPC the applicant has been granted bail by court below vide order dated 1.11.2023 annexed as annexure-3 to the bail application.

4. It has been further submitted that apart from the aforesaid cases, the applicant has been shown involved in four other cases, which have been mentioned in supplementary affidavit, bearing Case Crime Nos. 618 of 2016 under Sections 379, 411 IPC, 639 of 2016 under Sections 411, 413, 414, 420 IPC and 467, 468, 471 IPC, 642 of 2016 under Sections 18/22 NDPS Act and 831 of 2016 under Section 3(1) U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986 in which applicant has also been granted bail by the court below as well as this Court, the bail orders of all four cases have been annexed as Annexure SA-1.

5. Learned A.G.A. appearing on behalf of the State opposed the prayer for bail but admits that except for the aforesaid cases, applicant's involvement in any other case is not present.

6. Hon'ble the Supreme Court in Sanjay Chandra v. Central Bureau of Investigation, reported in (2012) 1 SCC 40 has specifically held that bail is to be a norm and an under-trial is not required to be in jail for ever pending trial. Relevant paragraphs of the judgment are as under :-

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty."

"27. This Court, time and again, has stated that bail is the rule and committal to jail an exception. It has also observed that refusal of bail is a restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution."

7. Upon consideration of submissions advanced by learned counsel for the parties and perusal of material on record, prima facie, and subject to further evidence being led in trial, it appears that applicant has already been enlarged on bail in all the cases filed against him as averred in the affidavit filed in support of the application and therefore conditions indicated in Section 19(4) U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986 stand complied with at this stage, therefore the applicant is entitled to be released on bail in this case.

8. Accordingly bail application is allowed.

9. Let applicant Lalit Yadav involved in the aforesaid case crime be released on bail on his/her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The applicant shall file an undertaking to the effect that he/she 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.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him/her under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his/her 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/her, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) 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/her in accordance with law.

Order Date :- 1.4.2025 AKK