

Amit vs State Of U.P. on 1 April, 2025

Author: Siddharth

Bench: Siddharth

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44882

Court No. - 47

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 16170 of 2024

Applicant :- Amit

Opposite Party :- State of U.P.

Counsel for Applicant :- Mashaluddin Shah,Pankaj Kumar Tripathi,Rajendra Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Supplementary affidavit filed today is taken on record.

Heard Sri Pankaj Kumar Tripathi and Sri Rajendra Kumar Srivastava, learned counsel for the applicant and learned AGA for the State.

The instant bail application has been filed on behalf of the applicant, Amit, with a prayer to release him on bail in Case Crime No. 30 of 2024, under Sections 2/3 U.P. Gangsters and Anti Social Activities(Prevention) Act, 1986, Police Station- Nagla Khangar, District- Firozabad, during pendency of trial.

According to the gang chart the applicant is said to have been involved in two criminal cases wherein he is on bail. Apart from above case applicant has criminal history of nine more case wherein he is also on bail. The applicant alleges false implication in the present case due to police rivalry. He is languishing in jail since 27.03.2024.

Per contra learned A.G.A. has opposed the bail prayer of the applicant by contending that the applicant is a member of gang and habitual of committing crime. In case the applicant is released on bail he will again indulge in similar anti-social activities and will misuse the bail by extending threat and intimidation to the prosecution witnesses.

Having considered the material on record, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of Dataram Singh Vs. State of U.P. and another, reported in (2018) 3 SCC 22 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 misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicants fail 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, the complainant is free to move an application for cancellation of bail before this court.

Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 1.4.2025 SS