

Court No. - 79

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34318 of 2022

Applicant :- Shahnawaj

Opposite Party :- State of U.P.

Counsel for Applicant :- Vikash Chandra Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1.Heard Sri Vikas Chandra Tiwari, the learned counsel for the applicant, Sri Jitendra Kumar Jaiswal, the learned A.G.A. for the State and perused the record.

2.The present bail application has been filed by the applicant with the prayer to enlarge him on bail in Case Crime No. 384 of 2022, under Section 2/3 of U.P. Gangster and Anti-Social Activities (prevention) Act, 1986 , P.S. Indrapuram, District Ghaziabad.

3.The gang chart mentions involvement of the applicant in three cases - (i) Case Crime No. 1728 of 2021, under Sections 379, 420, 380, 467, 468, 471, 474/34/120B IP and 43, 65, 66 of the Information Technology Act, P.S. Indrapuram, District Ghaziabad, (ii) Case Crime No. 363 of 2021, under Sections 380, 465, 466, 467, 468, 470, 471, 34, 120B IPC and 43, 65, 66, 66D of the Information Technology Act, P.S. Nandgram, District Ghaziabad and (iii) Case Crime No. 398 of 2021, under Sections 379, 420, 411 IPC and 43, 65, 66 of the Information Technology Act, P.S. Transport Nagar, District Meerut and in all the aforesaid cases, the applicant has already been released on bail. Copies of bail orders have been annexed with the affidavit filed in support of the bail application.

4.In the affidavit filed in support of the bail application, it has been stated that apart from the cases mentioned in the gang chart, the applicant is involved in other two cases (i) Case Crime No. 267 of 2021 under Section 420, 380, 34 IPC and 43, 65, 66 of the Information Technology Act, P.S. Sadar Bazar, District Mathura and (ii) Case Crime No. 436 of 2021, under Sections 420, 380, 34 IPC and 43, 65, 66 of the Information Technology Act, P.S. Yamunapur, District Mathura and in both the cases, the applicant has been granted bail by the court below.

5.It has been averred in the affidavit filed in support of the bail

application that the applicant is an innocent person, that he has been falsely implicated in the case, that he is neither a leader nor a member of any gang and he is in jail since 30.11.2021 It has also been stated in the affidavit that there is no possibility of the applicant tampering with any evidence and in such circumstances, the applicant is entitled for bail. It is also stated in the affidavit that the applicant will not misuse the liberty of bail and he will fully cooperate in the investigation.

6.Per contra, the learned Additional Government Advocate has opposed the prayer for grant of bail but he could not dispute the aforesaid aspects of the case.

7. Having regard to the facts that the applicant has already been granted bail in all the cases mentioned in the gang-chart and that the applicant is languishing in jail since , I am of the view that the applicant has made out a case for being enlarged on bail pending conclusion of the trial. The bail application is accordingly allowed.

8.Let the applicant - **Shahnawaj** be released on bail in Case Crime No. 384 of 2022, under Section 2/3 of U.P. Gangster and Anti-Social Activities (prevention) Act, 1986 , P.S. Indirapuram, District Ghaziabad on his furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(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.

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

Order Date :- 29.9.2022

Ashish Pd.