

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26474 of 2022

Applicant :- Shabnam

Opposite Party :- State of U.P.

Counsel for Applicant :- M J Akhtar, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Shri M.J. Akhtar, the learned counsel for the applicant, Sri Amit Kumar Shukla, the learned State Counsel 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. 411 of 2021, under Section 2/3 of U.P. Gangster and Anti-Social Activities (prevention) Act, 1986, P.S. Shahpur District Muzaffarnagar.

3. The gang-chart mentions a solitary case against the applicant namely Case Crime No. 199 of 2020, under Sections 376D, 120B, 506 I.P.C. and Section 67 of the Information Technology Act, P.S. Shahpur, District Muzaffar Nagar, in which the applicant has already been released on bail by means of an order dated 16-05-2022 passed in Criminal Misc. Bail Application No. 1695 of 2022. Copy of the bail order has been annexed as annexure no-2 to the affidavit filed in support of the bail application.

4. It has been averred in the affidavit filed in support of the bail application that the applicant is an innocent person and 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 08-08-2021. 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.

5. 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.

6. Having regard to the facts that the applicant has already been granted bail in the solitary case mentioned in the gang-chart; that he has no other criminal history and the applicant is languishing in jail since 08-08-2021, I am of the view that the applicant is entitled to be released on bail pending conclusion of

the trial. The bail application is accordingly allowed.

7.Let the applicant - **Shabnam** be released on bail in Case Crime No. 411 of 2021, under Section 2/3 of U.P. Gangster and Anti-Social Activities (prevention) Act, 1986 , P.S. Shahpur District Muzaffarnagar 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.

8.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 :- 7.9.2022

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