2025:AHC:229507

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 41173 of 2025

Naim

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Jitendra Bahadur Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Jitendra Bahadur Singh, learned counsel for the applicant, Shri Shashank Singh, learned Brief Holder for the State-respondents and perused the record.

The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant Naim, with a prayer to release him on bail in Case Crime No. 381 of 2025, under Section 2/3 Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986, registered at Police Station Nauchandi, District Meerut, during pendency of the trial.

It has been submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case due to ulterior motive. 08 cases of criminal history have sufficiently been explained.

It is further submitted that the applicant is not a member or leader or organizer of a gang and he has not abetted or assisted in the activities of a gang as enumerated in clause (b) of Section 2 of the Act. Applicant has no criminal history except the aforesaid case. It is next submitted that there is also no possibility of the applicant either fleeing away from the judicial process or tampering with the witnesses. The applicant, who is languishing in jail since 30.10.2025 undertakes that he will not misuse the

liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

Per contra learned Brief Holder has opposed the prayer for bail of the applicant, but has not pointed out any other case against the applicant except the cases shown by learned counsel for the applicant.

Upon considering the totality of facts, nature and the evidence reflected from record and also taking into consideration the provision of Section 19(4) of the Act and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is ***allowed***.

Let applicant, **Naim** be released on bail in the aforesaid case crime number on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions-

(i) The applicant shall not directly or indirectly make any 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 or to any police officer or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) 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 351 of B.N.S.S.

(iv) 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 the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Ashutosh Srivastava,J.)

December 19, 2025
Ravi Prakash

Digitally signed by :-
RAVI PRAKASH
High Court of Judicature at Allahabad