



2026:AHC-LKO:39868

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 3707 of 2026

Mahatiya @ Abdul Aziz @ Chachhu

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Home U.P.
Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Pankaj Kumar Tripathi, Neetu Verma
Counsel for Opposite Party(s) : G.A.

Court No. - 12

HON'BLE ZAFEER AHMAD, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material available on record..
2. The present bail application has been filed by accused-applicant seeking bail in Case Crime No.96 of 2026, under Section 3(1) U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986, Police Station- Talgaon, District Sitapur.
3. Learned counsel for the applicant submits that in the gang chart, only one case has been shown against the applicant and in the said case, the applicant has been enlarged on bail. The bail order is on record as Annexure-3 to the affidavit filed in support of the bail application. Apart from the case mentioned in the gang chart, the applicant has criminal history of 17 more case which is duly been explained in para no. 8 of the affidavit filed in support of bail application. The applicant is in jail since 10.2.2026.
4. It is also submitted that the applicant is ready to furnish an undertaking in terms of requirement of Section 19(4)(b) of U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986. It is further submitted that there is no possibility of the applicant of fleeing away from judicial custody or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.
5. Learned A.G.A. opposed the prayer for bail but could not dispute the

aforesaid facts as argued by the learned counsel for the applicant.

6. On due consideration to the facts that the applicant is in jail since 10.2.2026; the applicant has been enlarged on bail in the case shown in the gang chart and apart from the present one, the applicant is also on bail in other cases, which has been duly explained in affidavit filed in support of the bail application; without entering into the merits of the case, I find it to be a fit case for enlarging the applicant on bail.

7. Accordingly, the bail application is allowed.

8. Let the applicant- Mahatiya @ Abdul Aziz @ Chachhu involved in the aforesaid case crime number 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 which are being imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

(iii) 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.

(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 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.

(v) The applicant shall also file an undertaking in terms of requirement of Section 19(4)(b) of U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986 that he will not indulge in any case or misuse the liberty of bail.

(vi) 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 in

accordance with law.

(vii) In case the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 BNSS 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 them, in accordance with law, under Section 209 of BNS.

9. It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

(Zafeer Ahmad,J.)

June 2, 2026
kanhaiya