



2026:AHC:2775

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 41549 of 2025

Jubair And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rajesh Kumar Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard learned counsel for the applicants, Sri R. K. Nishad, learned State Law Officer for the State-Respondent and perused the record.

The present bail application has been filed on behalf of applicants with a prayer to release them on bail in Case Crime No. 999 of 2025, under Section 2/3 of the Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986, registered at Police Station Khurja Nagar, District Bulandshahar, during pendency of the trial.

It has been submitted by learned counsel for the applicants that the applicants are innocent and have been falsely implicated in this case due to ulterior motive. Criminal history as mentioned in the gang-chart has been explained in the affidavit filed in support of the bail application. Learned counsel for the applicants submits that the applicants have already been released on bail in all the cases mentioned in the gang chart.

It is further submitted that the applicants are not the members or leaders or organizers of a gang and they have not abetted or assisted in the activities of a gang as enumerated in clause (b) of Section 2 of the Act. Applicants have no criminal history except the aforesaid case. It is next submitted that there is also no possibility of the applicants either fleeing away from the judicial process or tampering with the witnesses. The applicants, who are languishing in jail since 26.10.2025, undertakes that they 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.

Learned counsel for the applicants has placed reliance upon a decision passed in the case of ***Prabhakar Tewari Vs. State of U.P. and another, 2020 (11) SCC 648***, wherein the Hon'ble Supreme Court has observed that pendency of several criminal cases against an accused may itself cannot be a basis for refusal of bail.

Per contra learned A.G.A. could not oppose the prayer for bail of the applicants and also could not pointed out any other case against the applicants except the case shown in the gang-chart made by learned counsel for the applicants.

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 the applicants, **Jubair and Gaurav**, be released on bail in the aforesaid case crime number on their 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 applicants 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 them from disclosing such facts to the court or to any police officer or tamper with the evidence.
- (ii) The applicants shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicants 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.
- (iv) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.
- (v) The applicants shall remain present before the trial court on each date

fixed, either personally or through their 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.

January 7, 2026

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(Ashutosh Srivastava,J.)