



2026:AHC:66852

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 9502 of 2026

Anurag Kumar @ Anurag Dubey @ Dabban

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	: Shailendra Kumar Tripathi
Counsel for Opposite Party(s)	: G.A.

Court No. - 65
(Sr. No.296 out of 296)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Rejoinder affidavit and written submission filed by learned counsel for the applicant are taken on record.
3. Heard Sri Shailendra Kumar Tripathi, learned counsel for the applicant and Sri Anoop Trivedi, learned Additional Advocate General assisted by Sri Sanjay Singh and Sri Sainik Shankar, learned A.G.A.-I for the State and perused the record.
4. Applicant seeks bail in Case Crime No.63 of 2026, under Sections 3(1) UP Gangsters Anti Social Activities (Prevention) Act, 1986, Police Station Maudarwaja, District Farrukhabad, during the pendency of trial.

PROSECUTION STORY:

5. The FIR was instituted by the informant stating that the applicant alongwith his brother Anupam Dubey, Vineet Dueby @ Beenu, Vijay Vikram, Ashutosh Dwivedi @ Bobby, Adesh Singh, Ashish Pandey, Dharmendra Chaturvedi @ Pappu Chaubey, Amit Kumar @ Amit Dubey

@ Babban, Praveen Katiyar and Mahendra Katiyar were involved in illegal activities and are members of a gang as defined under the UP Gangsters Act and were booked U/s 3(1) UP Gangsters Anti Social Activities (Prevention) Act, 1986.

ARGUMENTS ON BEHALF OF APPLICANT:

6. The applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence.

7. The applicant has simply been made an accused by the local police in connivance with the political rivals of the brother of the applicant, who is a political person out of vengeance.

8. As per the gang-chart prepared, two cases were shown against the applicant i.e. (i) Case Crime No.357 of 2023, U/s 147, 323, 506, 364-A, 386, 341, 120-B I.P.C. and 3/25 of Arms Act, Police Station Maudarwaja, District Farrukhabad and (ii) Case Crime No.137 of 2024, U/s 323, 386, 447, 420, 467, 468, 471, 504, 506, 120-B I.P.C., Police Station Maudarwaja, District Farrukhabad.

9. The applicant has been enlarged on bail in Case Crime No.357 of 2023 vide order dated 3.2.2025 passed by Additional Sessions Judge, Room No.3/Special Judge (DAA), Farrukhabad. The said order has been annexed as Annexure-3 to the affidavit filed with bail application.

10. In another case shown in the gang-chart, i.e. Case Crime No.137 of 2024, the applicant filed Crime Misc. Writ Petition No.13935 of 2024 before this Court, which was disposed of vide order dated 13.8.2024 and the applicant was directed to apply for anticipatory bail or regular bail.

11. Against the said impugned order of this Court dated 13.8.2024, the applicant preferred a Special Leave To Appeal (Crl.) No.14624 of 2024 before the Supreme Court, whereby the Supreme Court vide its order dated 28.11.2024 passed the following order:-

"4. However, in no circumstances, the petitioner shall be taken into police custody either in the cases already registered against

him or in a fresh case that may be registered against him, without prior permission of this Court."

12. The aforesaid order was modified and the impugned order dated 13.8.2024 of this Court was set-aside by the Supreme Court vide its final order dated 20.1.2025 and the following order was passed:-

"13. As regards the order dated 28.11.2024, the same is modified/ clarified to the extent that if any fresh complaint has been received against the appellant, disclosing the prima facie commission of a cognizable offence, FIR shall only be registered with prior permission of the Jurisdictional Sessions Judge."

13. In pursuant to the aforesaid order of the Supreme Court dated 20.1.2025, the applicant appeared in all the cases before the learned trial court and applied for bail and he has been granted bail in all of those cases.

14. In addition to the said cases, the applicant is wanted in 26 more cases. The details of the said cases are as follows:-

Sr. No.	FIR/Crime Number	Status
1	Case Crime No.05 of 2004, U/s 447, 323, 452 I.P.C., P.S. Kotwali, District Farrukhabad.	Closure report was accepted vide order dated 25.5.2025.
2	Case Crime No.504 of 2005, U/s 147, 148, 149, 302 I.P.C., Police Station Bewar, District Mainpuri.	Closure report was accepted vide order dated 4.4.2006.
3	Case Crime No.611 of 2000, U/s 147, 148, 149, 307 I.P.C., Police Station Kotwali Farrukhabad, District Farrukhabad.	Acquittal by the trial court vide order dated 25.5.2007.
4	Case Crime No.838 of 2010, U/s 34 of Goonda Act, Police Station Kotwali Fatehgarh, District Farrukhabad.	Proceeding was terminated on 29.5.2015.
5	Case Crime No.742 of 2010, U/s 147, 148, 307/149, 302/149, 404/149 I.P.C. and 7 Criminal Law Amendment Act, Police Station Kotwali Fatehgarh, District Farrukhabad.	Acquittal by the trial court vide order dated 18.1.2012.
6	Case Crime No. 939 of 2020 u/s 147, 148, 149, 307, 386, 452, 504, 506, 427, 286, 323, 336, 120-B, IPC and Section 7 of Criminal Law Amendment Act, P.S. Kotwali Farrukhabad, District Farrukhabad.	The applicant has been granted bail by trial court vide order dated 13.10.2021
7	Case Crime No. 357 of 2021 u/s 384, 504, 506 IPC, P.S Kotwali Fatehgarh, District Farrukhabad	The applicant is granted bail on 20.10.2021
8	Case Crime No. 382 of 2021 u/s 419, 420, 467, 468, 471 of IPC, P.S Kotwali Mohammadabad, District Farrukhabad	The applicant is granted bail on 10.02.2022

9	Case Crime No. 899 of 2021 u/s 3(1) of U.P Gangster and Anti-social Activities (Prevention)Act, PS Kotwali Fatehgarh, District Farrukhabad	The applicant is granted bail vide order dated 09.02.2022
10	Case Crime No. 525 of 2021 u/s 395, 341, 504, 506, 323, 427, 354-kha IPC, P.S Kotwali Chhibaramau, District Kannauj	The applicant is granted bail vide order dated 16.02.2022
11	Case Crime No. 661 of 2021 u/s 3(1) of U.P Gangster and Anti-social Activities (Prevention)Act, P.S Kotwali Chhibramau, District Kannauj	The applicant got acquittal on 05.04.2025
12	Case Crime No. 465 of 2022 u/s 147, 386, 447, 420, 467, 471, 506, IPC, P.S Kotwali, District Farrukhabad	The arrest of the applicant is stayed vide order dated 26.05.2023
13	Case Crime No. 466 of 2022 u/s 147, 386, 447, 420, 467, 471, 506, IPC P.S Kotwali Farrukhabad, District Farrukhabad	The arrest of the applicant is stayed vide order dated 07.04.2023
14	Case Crime No. 467 of 2022 u/s 147, 386, 447, 420, 467, 471, 506, IPC P.S Kotwali Farrukhabad, District Farrukhabad	The arrest of the applicant is stayed vide order dated 07.04.2023
15	Case Crime No. 09 of 2023 u/s 147, 148, 149, 342, 386, 447, 427, 506, 420, 467, 468, 471, IPC, P.S. Kotwali Farrukhabad, District Farrukhabad	The applicant is granted bail vide order dated 01.02.02025
16	Case Crime No. 111 of 2023 u/s 419, 420, 467, 468, 471, 504, 506, IPC and section 3(1)(r), 3(1)(s) of SC/ST Act, PS- Maudarwaja, District Farrukhabad.	The applicant is granted bail vide order dated 30.05.2025
17	Case Crime No.557 of 2022 u/s 386, 342, 420, 467, 468, 471, 506, 120-B I.P.C. PS- Kotwali, District Farrukhabad.	The applicant is granted bail vide order dated 01.02.2025
18	Case Crime No. 69 of 2022 (Case No.1617/2022), u/s 2/3 of Gunda Act, P.S Mohammadabad, District Farrukhabad	The proceedings have been terminated vide order dated 28.08.2023
19	Case Crime No. 69 of 2023 u/s 363, 342, 386, 504, 506, 34, IPC P.S Kotwali Mohammadabad, District Farrukhabad	The applicant has been release on bail vide order 07.02.2025
20	Case Crime No. 736 of 2022 u/s 147, 420, 406, 120B, 506, 342, 384, 389 IPC, PS Kotwali Chhibramau, District Kannauj	The applicant has been discharged vide order dated 07.04.2025
21	Case Crime No. 258 of 2023 u/s 3(1) of U.P Gangster and Anti-social Activities (Prevention)Act. P.S Mohammadabad, District Farrukhabad	The arrest of the applicant is stayed until the submission of the chargesheet vide order dated 30.04.2024
22	Case Crime No. 219 of 2023 u/s 420, 386, 506, 120B IPC, P.S Mohammadabad, District Farrukhabad	The applicant is granted bail vide order dated 03.02.2025
23	Case Crime No. 443 of 2023 u/s 174A IPC. PS- Maudarwaja, District Farrukhabad.	The applicant is granted bail vide order dated 01.02.2025
24	Case Crime No. 487 of 2023 u/s 409, 174A,	The applicant is granted

	IPC PS- Maudarwaja, District Farrukhabad.	bail vide order dated 01.02.2025
25	Case Crime No. 216 of 2024 u/s 420, 467, 468, 471, 120B IPC, PS- Maudarwaja, District Farrukhabad.	The applicant is granted bail vide order dated 01.02.2025.
26	Case Crime No. 179 of 2024 u/s 147, 148, 149, 386, 364, 365, 367, 323, 504, 506, IPC, PS- Maudarwaja, District Farrukhabad.	The applicant is granted bail vide order dated 01.02.2025.

15. In spite of the order of the Supreme Court, the police in violation of the said order lodged the FIR against the applicant and sent him to jail. It is true that according to the FIR, permission was granted by the Jurisdictional Sessions Judge on 11.2.2026 while the gang-chart has been prepared on 5.2.2026 itself, which is prior to the permission taken from the Jurisdictional Sessions Judge, Farrukhabad. The police had lodged four FIRs under the provisions of UP Gangsters Act, including the present FIR against the applicant.

16. The present FIR has been instituted just to harass him and other co-accused persons. The applicant is neither a gang leader nor active member of a gang. He has been falsely implicated due to the political rivalry of his elder brother Anupam Dubey, who is a Block Pramukh.

17. Multiple FIRs were registered by the police and at their behest by other persons out of political rivalry and the Supreme Court vide its order dated 20.1.2025 has clearly stated that no FIR shall be registered against the applicant indicating foul play at the hands of the local police.

18. The applicant is a bona fide and law abiding person of the locality as he was the Headmaster of Shyam Janata Vidyalaya Farrukhabad. There is no evidence that applicant earned any money as the member of the gang for which he has been booked by the local police.

19. The brother of the applicant Anupam Dubey had surrendered on 14.07.2021 and thereafter multiple FIRs were registered against him and the applicant.

20. The applicant himself had contested the election of Chairman of Nagar Panchayat in the year 2010 and again contested the election for

Member of Legislative Assembly on the ticket of BSP and the local MLA belonging to the ruling party is hell-bent in keeping the applicant behind the bars on one pretext or the other in light of ensuing Legislative Assembly elections.

21. The applicant is in jail since 12.02.2026 in the instant case crime only for no fault of his. There is no likelihood of the applicant absconding or tampering with evidence, as in the instant case, all the witnesses are police witnesses.

22. The role of conspiracy has been assigned to the applicant, but there is no evidence of meeting of minds of the applicant and co-accused person. To add to it, the brother of the applicant is in jail since 14.7.2021, as such, there was no occasion for him to hatch conspiracy with him and form a gang.

23. In the case crime referred above, i.e. FIR No.939 of 2020, the name of applicant has come up after 20 months during investigation and the applicant was arrested and eight cases were foisted on him at a go. Of the total cases mentioned above, nine FIRs have been instituted against the applicant by police.

24. FIR Nos. 465 of 2022, 466 of 2022 and 467 of 2022 were instituted one after the another just to keep the applicant behind the bars regarding illegal possession of a land in the year 1999. The said land was found to be a state land and the buildings of the informant were erected on it and not the applicant and the same were demolished. The said fact indicates foul play.

25. The mala fide of the local police stands established from the fact that in Case Crime No.504 of 2005, police had already conducted investigation and closure report was filed, which was accepted by the competent court, but after a lapse of about 20 years, the police authorities again attempted to conduct further investigation in the said case despite knowing the fact that matter gained finality long back in the year 2006.

26. The instant case is different as the conditions mentioned in Section 19(4) of UP Gangsters Act do not stand fulfilled as it is a clear cut case of misuse of power and clout of local political rival in connivance with the police and their mala fide intention is but evident from the circumstances as were already taken note of by the Supreme Court.

27. Learned counsel for the applicant has placed much reliance upon the judgment passed in ***Prabhakar Tewari Vs. State of U.P. and another, 2020 (11) SCC 648***, wherein the Supreme Court has observed that pendency of several criminal cases against an accused itself cannot be a basis for refusal of bail, if otherwise his case for bail is made out.

28. Similarly, the Supreme Court in ***Maulana Mohd. Amir Rashadi vs. State of UP and Anr., reported in 2012 AIR SCW 1048*** has held that criminal antecedents of the accused cannot be the sole basis to deny bail and the court is required to consider the role attributed to the accused and other attending circumstances.

29. Much reliance has been placed on the judgment of this Court passed in ***Gaurav @ Gaura vs. State of UP (Criminal Misc. Bail Application No.13747 of 2021)***, whereby the accused therein was granted bail despite the fact that he has criminal criminal history of 48 cases.

30. In support of his contention, learned counsel for the applicant also placed reliance on the case of ***Pawan Kumar Pandey Versus State of U.P. reported in [2007 (1) JIC 680 (Allahabad)]*** where the accused was allegedly involved in the commission of murder punishable u/s 302 I.P.C., it has been held by the Court that if the accused is otherwise entitled to bail, the same should not be refused simply on the ground of criminal antecedent. It is also argued that the accused in the said case was wanted in 56 criminal cases.

31. According to ***Halsbury's Laws of England*** - "the effect of granting bail is not to set the defendant (accused) free, but to release him from custody of law and to entrust him to the custody of his sureties who

are bound to produce him to appear at his trial at a specified time and place."

32. According to *Law Commission's 268th report (2017)*, "Bail" essentially means the judicial interim release of a person suspected of a crime held in custody, on entering into a recognizance, with or without sureties, that the suspect would appear to answer the charges at a later date; and includes grant of bail to a person accused of an offence by any competent authority under law.

33. In *Kamlapati Trivedi vs. State of West Bengal, 1979 AIR (SC) 777*, the Supreme Court of India observed that bail is devised as a technique for effecting a synthesis of two basic concepts of human values, namely the right of the accused to enjoy his personal freedom and the public interest; subject to which, the release is conditioned on the surety to produce the accused person in Court to stand trial.

34. The similarly placed co-accused Adesh Singh has been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 24.3.2026 passed in Criminal Misc. Bail Application No.9975 of 2026, as such, the applicant is also entitled to bail on ground of parity.

35. The proceedings of co-accused person Ashish Pandey have been stayed by this Court vide order dated 17.3.2026 passed in Criminal Misc. Writ Petition No.4952 of 2026.

36. As such, under these circumstances and the law referred above, the applicant is entitled to bail. He undertakes to cooperate with the trial and not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT:

37. The bail application has been opposed on the ground that the applicant is a person having a criminal history of 29 cases including the instant case and the cases mentioned in the gang chart. There are 17 live cases pending against him, although it is admitted that 12 other cases stand disposed of and the applicant is not convicted in any of those cases.

38. Merely grant of bail in the predicate offense shall not be a ground for grant of bail under the UP Gangsters Act, as the provisions under Section 19 (4) of the Act shall apply to the instant case. There is no evidence to suggest that applicant shall not repeat the offense committed earlier. He is a repeated offender.

39. The allegations that the FIR has been instituted by his political rival is false, as the informants are altogether different in all the cases.

40. The very basic law is to be taken into consideration regarding the liberty of a person. If the liberty is to be considered, then on the one hand, the liberty of a person may be a question of adjudication, but the societal order is a clinching factor of refusal of bail to the applicant.

41. The applicant has long criminal antecedents to his credit, as such, he is not entitled to bail.

42. Much reliance has been placed on the following paragraphs of the judgment of this Court in **Anil Singh @ Dau vs. State of UP, 2008 SCC OnLine All 1809:-**

"4. Bail should, therefore, be granted only where there are reasonable grounds for believing that he is not guilty of such offence.

5. The arguments from the side of the accused was that in other cases which have proceeded against the accused, he has been enlarged on bail and that he is in detention for the last six months, that alone will not provide reasonable grounds for believing that he is not guilty of such offence.

6. The First Information Report against the accused explicitly mentions that he is the leader of a gang of 11 persons who indulge in anti social activities and he has created terror in the area and no one is prepared to give evidence against him, be cause of fear and reprisal."

43. In **Sabir Khan vs. Uttar Pradesh State, reported in 2021 SCC OnLine All 411**, this Court has held as follows:

"10. These circumstances should be taken into consideration by the court while disposing of the bail application in this Act. Compliance with this provision should not be a mere formality, but the Court must consider this provision while considering a bail plea under the Gangbund Act and also be reflected in the order, even if it is brief. This provision should not be ignored in any case.

11. At the same time, the court should also be careful that as a weapon to retaliate the provisions of this Act, or to harass innocent citizens or to intimidate or for political vendetta or other harassment. It is not being used and if it is, it cannot be allowed to do so.

Analysis

12. The applicant has described his criminal history in stone 7 and 8 of the application, which is as follows:—

- (1) Under Section 411, 413, 414 S.D.*
- (2) Under MU No. 426/2019 Section 413, 414 IO of Police Station Achnera, District Agra.*
- (3) Under the MoU No. 428/2019 Section 413, 414 IO of the station, Achnera, District Agra.*
- (4) Under MU No. 429/2019 Section 413, 414 IO of Police Station Achnera, District Agra.*
- (5) Section No. 413, 414 IO of Jaganner, District Agra under MU No. 08/2019.*
- (6) Under MU No. 308/2019 Section 380, 457, 411 IO Fatehpur Sikri, District Agra.*
- (7) Under the MoU No. 145/2019, Section 413, 414 IO, Police Station Basai Arela, District Agra*
- (8) Under MU No. 345/2019, Section 411, 414 IO of Police Station, District Agra.*
- (9) Under the MoU No. 419/2019, Section 395, 412 IO, Khandauli, District Agra.*

13. It is known from the above that the applicant is a habitual criminal who is used to commit the same type of crime. As defined in Sections 2(b) and (c) of the "Gangs Act" as defined in "Gangs" and "Gangs" respectively, the applicant is also a member of a gang which is single or collectively anti-social. Who commits punishable offenses under Chapter 16 or Chapter 17 or Chapter 22 of the Penal Code, 1860 1860 (S.D. No.). It would be pertinent to state here that the crime committed by the applicant is punishable under Chapter 17 of the Penal Code, 1860. Prima facie, in the present case, this court has to be resolved that there is no rational basis to believe that the applicant is not guilty of such an offense. On the contrary, in the present circumstances, as mentioned earlier, it is a reasonable ground that this court can find this solution.

14. Apart from this, the applicant has a detailed criminal history, there is no dilemma in reaching the conclusion that he is a habitual criminal. Therefore, there is no reasonable basis for this court to be resolved that the applicant is not likely to commit any offense while on bail. Rather, it is more likely that the applicant will commit a similar or other offense while on bail."

44. In *Neeru Yadav Vs State of U.P. and Anr. [CRIMINAL APPEAL NO.1272 OF 2015 (@ SLP(Crl) No. 1596 OF 2015)]*

"15. This being the position of law, it is clear as cloudless sky that the High Court has totally ignored the criminal antecedents of the accused. What has weighed with the High Court is the doctrine of parity. A history-sheeter involved in the nature of crimes which we have reproduced hereinabove, are not minor offences so that he is not to be retained in custody, but the crimes are of heinous nature and such crimes, by no stretch of imagination, can be regarded as jejune. Such cases do create a thunder and lightening having the effect potentiality of torrential rain in an analytical mind. The law expects the judiciary to be alert while admitting these kind of accused persons to be at large and, therefore, the emphasis is on exercise of discretion judiciously and not in a whimsical manner."

45. This Court in ***Kamlesh Pathak vs. State of UP, 2023:AHC:47620*** has observed as follows:

"22. The latin term 'actus reus' implies guilty act. Thus, it is the physical component of crime. It is true that there can be no offence without a criminal act. We have to consider mens rea alongwith actus reus. Actus reus is latin for guilty act and mens rea is latin for guilty mind. Both elements are required for the criminal act to be complete. The actus reus and the mens rea are to be inferred from the contents of the allegations made by the prosecution whereby the applicant is stated to be having criminal antecedents and in the said predicate offence, the applicant is stated to have exhorted the other co-accused persons to fire at the deceased and injured persons. Thus, the element of actus reus and mens rea are present in the said case and being a leader of the gang, the same find place in the present case also.

23. With respect to a gangster, an inference can be drawn from the circumstances. The delinquent herein is a legislature aka an Ex-minister, but the same cannot absolve him of the activities committed impersonal.

24. It is true that under normal circumstances, if otherwise the case of the delinquent for bail is made out, the criminal antecedents are not to be considered, but herein the gravity of offence and the criminal antecedents that too the cases of murder, attempt to murder, attempt to dacoity and forgery etc. weigh against the applicant.

25. It is true that there is a possibility of misuse of the legislations that too depends on the person executing it. The present case does not seem to be a misuse of the act and the applicant having such a large criminal antecedents and being the head of the gang is not entitled for bail.

26. From the perusal of the record, I do not find that there are reasonable grounds for believing that the applicant is not guilty of such offence and that he is not likely to commit any offence while on bail as is the requirement of Section 19(4) of the Act.

27. Considering the submissions advanced by the counsel for the parties, nature of allegations, gravity of offence and all attending

facts and circumstances of case, the Court is of the opinion that it is not a fit case for bail. Hence, the bail application of applicant is hereby rejected."

46. This Court in ***Zeba Rizwan vs. State of UP Thru. Prin. Secy. Home Lko.*** (Criminal Misc. Bail Application No.4691 of 2022) has observed as follows:

"23. After hearing the learned counsel for the parties and seeing the circumstances of the case and considering the fact that there is only one case pending against the applicant and that too of a criminal conspiracy, the twin conditions referred to in Section 19(4) of the U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, stand satisfied and it is a fit case for bail."

47. In ***Golu Yadav alias Sudeep vs. State of UP*** (Criminal Misc. Bail Application No.1513 of 2025), this Court has observed as follows:

"11. Thus, there is no reasonable ground for this Court to believe that the applicant is not a guilty of such offences and applicant is not likely to commit any offence in future while on bail, as is the requirement of Section 19 (4) of the U.P. Gangster Act."

48. In ***Imran Mulla vs. State of UP*** (Criminal Misc. Bail Application No.17326 of 2025), this Court has observed as follows:

"9. Looking to the fact that applicant has long criminal history which is ranging from 2013 to 2023 and twice Gangster Act has been imposed upon the applicant, no satisfaction can be recorded under Section 19(4)(b) of Gangster Act. No case for releasing the applicant on bail is made out. If the applicant is enlarged on bail, he would be a threat to the society at large. Further, no new ground has been raised in the second bail application and Division Bench had already in case of Satya Pal (supra) had taken view that unless and until new ground exists, the second bail application cannot be considered."

49. Section 19 (4) U.P. Gangster and Anti Social Activities (Prevention) Act 1986 contains the provision under which an accused can claim bail. The Sub-section is as follows:-

Section 19 (4):- *Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Act or any rule made thereunder shall, if in custody, be released on bail or on his own bond unless:*

(a) The Public Prosecutor has been given an opportunity to oppose the application for such release, and

(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

Sub-clause (b) is relevant here. In this clause, it has been provided that an person accused of an offence punishable under this Act can only be released on bail if the court hearing the bail application is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail.

CONCLUSION:

50. From perusal of the provisions contained in Section 19 (4) (b) it is evident that there should be reasonable ground before the court hearing the bail application to believe that the applicant accused is not guilty of offence allegedly committed by him and further that he is likely to commit no offence while he shall be on bail.

51. The well-known principle of "*Presumption of Innocence Unless Proven Guilty*," gives rise to the concept of bail as a rule and imprisonment as an exception.

52. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been recapitulated by the Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and Ors., 2022 INSC 690***.

53. Reiterating the aforesaid view the Supreme Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement 2024 INSC 595*** has again emphasised that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "bail is a rule and jail is an exception".

54. Learned A.A.G. could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

55. It is settled principle of law that the object of bail is to secure the attendance of the accused at the trial. No material particulars or

circumstances suggestive of the applicant fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like have been shown by learned A.A.G.

56. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration that the two cases mentioned in the gang chart and the criminal history of 26 additional cases, stand properly explained by the applicant and also taking into consideration the judgment of the Supreme Court passed on 28.11.2024 and 20.1.2025 and the fact that the gang leader, brother of the applicant, is in jail since 14.07.2021; one of the accused person has been enlarged on bail and the proceedings have been stayed qua another co-accused person, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is *allowed*.

57. Let the applicant- **Anurag Kumar @ Anurag Dubey @ Dabban**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

58. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

March 30, 2026

Vikas Verma