



2026:AHC-LKO:21289

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1810 of 2026

Gautam And Another

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Smriti
Counsel for Opposite Party(s)	:	G.A.

Court No. - 28

HON'BLE RAJEEV BHARTI, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the material available on record.
3. The present bail application has been filed by accused-applicants seeking bail in FIR/Case Crime No.0001 of 2026, under Section 3(1) U.P. Gangsters & Anti Social Activities (Prevention) Act, 1986, Police Station- Kotwali Dehat, District- Hardoi.
4. Learned counsel for the applicants submits that in the gang chart, three cases have been shown against the applicants. In all the cases, the applicants have been enlarged on bail. Copies of bail orders are annexed as Annexure Nos.3 and 5 to the affidavit filed in support of the bail application. Apart from these cases, the applicant no.1- Gautam has criminal history of five cases whereas applicant no.2- Sonu has criminal history of seven cases, which has been duly explained in para nos.2 and 3 of the supplementary affidavit. Copies of bail orders are annexed as Annexure S.A.1 to S.A.5 to the supplementary affidavit filed today. The applicants are in jail since 03.01.2026.
5. It is also submitted that co-accused Sagar has already been granted bail by a Co-ordinate Bench of this Court vide order dated 12.03.2026 passed in CrI. Misc. Bail Application No.1273 of 2026 and the applicants are 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 applicants of fleeing away from judicial custody or tampering with the witnesses. In case the applicants are enlarged on bail, they shall not misuse the liberty of bail.

6. Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicants.

7. On due consideration to the facts that the applicants are in jail since 03.01.2026; the applicants have been enlarged on bail in the cases shown in the gang chart; apart from the cases shown in the gang chart, criminal history against the applicants has been explained in para nos.2 and 3 to the supplementary affidavit filed today; co-accused Sagar has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.03.2026 passed in Crl. Misc. Bail Application No.1273 of 2026 without expressing any opinion on the merits of the case, I find it to be a fit case for enlarging the applicant on bail.

8. Accordingly, the bail application is **allowed**.

9. Let the applicants- Gautam and Sonu involved in the aforesaid case crime numbers be released on bail on their 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 applicants will not tamper with the evidence during the trial.

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

(iii) 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.

(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 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 applicants 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 they will not indulge in any case or misuse the liberty of bail.

(vi) The applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them in

accordance with law.

(vii) In case the applicants misuse the liberty of bail during trial and in order to secure their presence proclamation under Section 84 BNSS is issued and the applicants fail 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.

10. 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.

March 25, 2026

Anand/-

(Rajeev Bharti,J.)