



2026:AHC:128099

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 20841 of 2026

Lalsingh @ Lalta Prasad And 2 Others

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Vakalatanama filed by Sri Rajendra Kumar Srivastava on behalf of first informant is taken on record.
2. Heard learned counsel for the applicants, learned counsel for the first informant as well as learned A.G.A. for the State of U.P. and perused the record.
3. The instant bail application has been filed seeking release of the applicants on bail in Case Crime No. of 255 of 2026, under Sections 2/3 of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station- Tundla, District- Firozabad.
4. The submissions of learned counsel for the applicants is that the applicants are innocent persons and they have falsely been implicated in the case. It is further submitted on behalf of the applicants that one case has been shown in the gang chart against the applicants and in that case, the applicants are on bail. Apart from the cases mentioned in the gang charge the applicants have criminal history of two cases, which has sufficiently been explained in the bail application. The applicants are in jail since 29.5.2026.
5. He further stated that in F.I.R., in issue, the allegations with regard to disturbing the public order as also regarding gaining undue temporal, pecuniary, material or other advantage of like nature against the applicants are vague. Further, stated that in absence of allegation concerning an act or omission on the part of an accused, covered by the definition of term "gang" and "gangster" as provided under Section 2 of the Act, no FIR is maintainable. In the instant case, the FIR is based upon the pending criminal case(s) and not upon any new allegation(s) or discovery of fact(s) having serious reflection on the society, for which purpose the Act was enacted.

6. He also stated that the provisions of the Act could not be used as a weapon to wreak vengeance or harass or intimidate citizens or to settle scores on political or other fronts.

7. He stated that in this case, it appears that the District Administration in order to show good work or to win laurels or seek appreciation from the higher authorities of Government or ruling party has invoked the provisions of the Act, which is unjustified.

8. He also stated that considering the facts of the case, as stated above, there are reasonable grounds for believing that the applicants are not guilty of the offence under the Gangsters Act and that he would not commit the offence while on bail. He also submitted that the applicants while on bail would not commit any crime/offence nor would try to tamper the evidence or influence the witnesses in any manner whatsoever it may be.

9. Learned Counsel for the applicants have submitted that applicants are languishing in jail in this matter since 29.5.2026 and there is no apprehension that, if the facility of bail is granted to the applicants, they may flee from the course of law or they will not appear before the Trial Court, as also the evidence/material available on record is not strong enough to raise a presumption that the applicants are guilty of the offences mentioned in the gang chart.

10. In these circumstances, the applicants are entitled for bail. In case of being enlarged on bail, they will not misuse the liberty of bail and will cooperate in trial.

11. Learned A.G.A. has opposed the prayer for grant of bail, but has fairly conceded that in the cases mentioned in the gang chart, the applicants are on bail. However, he further submitted that the applicants are member of a gang and habitual of committing crime. In case case the applicant are released on bail they will again indulge in similar anti-social activities and will misuse the bail by extending threat and intimidation to the prosecution witnesses.

12. Section 19(4) of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986 reads as follows:-

"(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."

13. In light of Section 19(4) of U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986, I have considered the material evidence available on record, the nature of offence which has been mentioned in the gang-chart and the criminal background of the accused-applicant.

14. In **Union of India v. K.A. Najeeb, (2021) 3 SCC 713**, it was held that in numerous judgments that the liberty guaranteed by Part III of the Constitution would cover within its protective ambit not only due procedure and fairness but also access to justice and a speedy trial. In **Supreme Court Legal Aid Committee Representing Undertrial Prisoners v. Union of India**, it was held that undertrials cannot indefinitely be detained pending trial. Ideally, no person ought to suffer adverse consequences of his acts unless the same is established before a neutral arbiter. However, owing to the practicalities of real life where to secure an effective trial and to ameliorate the risk to society in case a potential criminal is left at large pending trial, courts are tasked with deciding whether an individual ought to be released pending trial or not. Once it is obvious that a timely trial would not be possible and the accused has suffered incarceration for a significant period of time, courts would ordinarily be obligated to enlarge them on bail.

15. Having considered the submissions of the parties noted above, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the cases of **Dataram Singh Vs. State of U.P. and another**, reported in **(2018) 3 SCC 22 & Satendra Kumar Antil Vs. C.B.I. & Another, passed in S.L.P.(Crl.) No. 5191 of 2021** and without expressing any opinion on the merits of the case, the bail application is allowed.

16. Let the applicants Lal Singh @ Lalta Prasad, Mohan @ Manmohan and Lavkush @ Lov involved in the aforesaid crime 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 that :-

(i) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the date 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.

(ii) The applicants shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of their absence, without sufficient cause, the Trial Court may proceed against them under Section 229-A IPC/ 269 B.N.S.

(iii) In case, the applicants misuses the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C./ 84 B.N.S.S., may be issued and if 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 174-A IPC/ 209 B.N.S.

(iv) The applicants shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./ 351 of B.N.S.S. If in the opinion of the Trial Court absence of the applicants is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

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

18. It is made clear that observations made in granting bail to the applicants shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Vivek Kumar Singh,J.)

June 18, 2026
Kumar Manish