
(2009) 06 AHC CK 0069
In the Allahabad High Court

Radhey Shyam @ Krishna Nand Yadav	APPELLANT
Vs	
State of U.P.	RESPONDENT

Date of Decision : 12-06-2009

Acts Referred:

Citation : (2009) 06 AHC CK 0069

Hon'ble Judges : Bala Krishna Narayana, J

Final Decision : Allowed

Judgement

Counter and rejoinder affidavits filed today be kept on record.

Heard learned counsel for the applicant and the learned Additional Government Advocate.

The applicant, Radhey Shyam @ Krishna Nand Yadav is involved in Case Crime No. 44 of 2009, under Section 3/2 U.P. Gangsters and Anti Social Activities (Prevention) Act, Police Station Gosainganj, District Lucknow.

The submission of the learned counsel for the applicant is that in the gang chart four cases have been shown against the applicant, namely, Case Crime No.19 of 2009, under Sections 147, 148, 149 and 307 I.P.C., Police Station Gosainganj, District Lucknow, Case Crime No.1147 of 2008, under Section 379 I.P.C., Police Station Gomti Nagar, District Lucknow, Case Crime No.952 of 2008, under Section 379 I.P.C, Police Station Gomti Nagar, District Lucknow, Case Crime No.493 of 2007, under Sections 364 and 511 I.P.C., Police Station Wazirganj, District Lucknow.

According to the learned counsel for the applicant, the applicant has been granted bail in all the criminal cases shown in the gang chart.

It has been further submitted on behalf of the applicant that earlier also the applicant was prosecuted under Section 2/3 of Gangsters Act but was acquitted. Learned counsel for the applicant lastly submitted that the applicant is in jail since 20.02.2009.

The bail is, however, vehemently opposed by the learned Additional Government Advocate.

The points pertaining to nature of accusation, severity of punishment, reasonable apprehension of tampering the witnesses, prima facie, satisfaction regarding proposed evidence and genuineness of the prosecution case were duly considered.

Considering the aforesaid facts and circumstances, without entering into the merits of the case, I find it to be a fit case for granting bail.

Let the applicant, Radhey Shyam alias Krishna Nand Yadav be enlarged on bail in the aforesaid case crime number on his furnishing a personal bond and two local and reliable sureties in the like amount to the satisfaction of the court concerned.

It is further provided that if the applicant does not cooperate with the trial or absents himself without any sufficient reason, the court below can cancel his bail.