

Court No. - 67

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 21227 of 2025

Applicant :- Manshad @ Sona

Opposite Party :- State of U.P.

Counsel for Applicant :- Sushil Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Supplementary affidavit, filed by learned counsel for the applicant, is taken on record.

2. Heard Sri Sushil Kr. Pandey, learned counsel for the applicant, Sri K.P. Pathak, learned A.G.A. for the State and perused the record.

3. The instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 98 of 2025, under Section 2/3 U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, P.S. Khalapar, District Muzaffar Nagar.

4. Contention of learned counsel for the applicant is that the applicant is innocent and he has been falsely implicated in the instant case on the basis of three base cases of the year 2023 having case crime Nos. 104 of 2023, 129 of 2023 and 260 of 2023 as well as one case of the year 2025 having case crime No. 14 of 2025, though Gangsters Act was earlier imposed against the applicant in case crime No. 19 of 2025 and again in case crime No. 54 of 2025 at P.S. Khalapar, District Muzaffarnagar on the basis of one base case of the year 2024 having case crime No. 108 of 2024 in which the applicant was released on bail. This shows that the Gangsters Act is being repeatedly misused to keep the applicant in jail. The applicant is languishing in jail since 28.5.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Learned A.G.A. could not explain the reason as to why the Gangsters Act is being repeatedly imposed on the basis of old cases, though the old cases were available at the time of imposing Gangsters Act at earlier occasion.

6. The above fact shows not only arbitrariness on the part of the S.H.O. of Police Station- Khalapar, District Muzaffarnagar, but also sheer negligence on the part of S.S.P., Muzaffarnagar as well as District Magistrate, Muzaffarnagar who are required to apply their minds at the time of conducting joint meeting under Rule 5(3)(a) of U.P. Gangsters and Anti Social Activities (Prevention) Rules, 2021.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and taking into account the observations made by this court

in the case of ***Sukarmal @ Amit Jat Vs. State of U.P. and 3 Others*** passed in ***Criminal Misc. Writ Petition no.11077 of 2024*** and the judgement of Apex Court in the case of ***Vinod Bihari Lal Vs. State of Uttar Pradesh & Another*** in ***Criminal Appeal Nos.777-778 of 2025 (arising out of SLP (CrL.) Nos.5376-5377 of 2023)*** as well as in the case of ***Lal Mohd. and Another Vs. State of U.P. in SLP (CrL.) No.6607 of 2023*** and as the applicant has already been released on bail in base cases as well as other cases, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- ***Manshad @ Sona*** involved in the aforementioned crime be released on **interim bail till the next date of listing**, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

i. The applicant 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

10. However, considering the fact that there was sheer misuse of Gangsters Act by the S.H.O., P.S. Khalapar, District Muzaffarnagar and also the negligence on the part of S.S.P., Muzaffarnagar as well as District Magistrate, Muzaffarnagar in approving the same which is punishable under Section 3(2) of the Gangsters Act and is the violation of directions of this Court issued in the case of ***Abdul Lateef @ Mustak Khan vs. State of U.P. and others; Criminal Misc. Writ Petition No. 9930 of 2024; Sanni Mishra @ Sanjayan Kumar Mishra vs. State of U.P. and others; 2024 (1) ADJ 231 (DB)*** as well as the judgment of the Apex Court in the case of ***Vinod Bihari Lal vs State of Uttar Pradesh and another; Criminal Appeal Nos. 777-778 of 2025, Lal Mohd. and another vs. State of U.P. (supra)*** and also in violation of recent guidelines, issued by the State Government in compliance of the order of the Apex Court passed in the case of ***Gorakh Nath Mishra vs. State of U.P.; Criminal Appeal No. 2589 of 2025***, this Court directs the **S.H.O., P.S. Khalapar, District Muzaffarnagar; S.S.P., Muzaffarnagar; and the District Magistrate, Muzaffarnagar** to **appear personally** before this Court on the next

date of listing and explain their misconduct and negligence.

11. Put up this case on 7.7.2025 as fresh.

12. **Registrar (Compliance)** is directed to send copy of this order to the S.H.O., P.S. Khalapar, the District Muzaffarnagar; S.S.P., Muzaffarnagar; the District Magistrate, Muzaffarnagar for necessary compliance and to the Director General of Police, U.P. as well as the Secretary, Home, U.P. for information.

Order Date :- 20.6.2025

Vandana