

Court No. - 87

Case :- CRIMINAL MISC. BAIL CANCELLATION APPLICATION No. - 5 of 2019

Applicant :- Krishna Kumar Pal @ Umesh Pal

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Rakesh Dubey, Praveen Kumar Pandey, Sanjay Kumar Yadav

Counsel for Opposite Party :- G.A., Gyan Prakash, Imran Ullah

Hon'ble Dinesh Kumar Singh, J.

1. Heard Mr. Rakesh Dubey, Advocate assisted by Mr. Praveen Kumar Pandey, Advocate for the applicant, Mr. Faiz Ahmad, Advocate, holding brief of Mr. Imraun Ullah, learned counsel for the respondent no. 3, as well as Mr. Ratnendu Kumar Singh, learned Additional Government Advocate for the State, and perused the entire record.

2. This application under Section 439 (2) CrPC has been filed for cancellation of bail granted to respondent no. 3-Farhan vide order dated 24.11.2005 passed by the learned Sessions Judge, Allahabad in FIR/Crime No.034 of 2005, under Sections 147, 148, 149, 302, 307, 120-B and 506 IPC read with Section 7 Criminal Law Amendment Act lodged at Police Station Dhomanganj, District Allahabad.

3. In the said case, the Sitting M.L.A., Shri Raju Pal and his two Security Guards were killed in a broad-day-light allegedly by the accused-respondent along with co-accused Ateeq Ahmad, a dreaded criminal, gangster and *mafia don*, who faces more than 100 cases of serious offences.

4. The learned trial Court, while granting bail to the accused-respondent, put conditions that he would not tamper the evidence, give threat to the witnesses and commit any offence in future. After the accused-respondent was enlarged on bail vide order dated 24.11.2005, he has committed the following offences:-

1. Crime/FIR No.0270 of 2007, Police Station Dhomanganj, Prayagraj;

2. Crime/FIR No.0103 of 2007, Police Station Dhomanganj, Prayagraj;

3. Crime/FIR No.0263 of 2007, Police Station Dhomanganj, Prayagraj;

4. Crime/FIR No.0342 of 2007, Police Station Dhomanganj, Prayagraj;

5. Crime/FIR No.0419 of 2007, Police Station Dhomanganj, Prayagraj;

6. *Crime/FIR No.0687 of 2010, Police Station Dhomanganj, Prayagraj;*
7. *Crime/FIR No.0482 of 2011, Police Station Dhomanganj, Prayagraj;*
8. *Crime/FIR No.0485 of 2011, Police Station Dhomanganj, Prayagraj;*
9. *Crime/FIR No.029 of 2012, Police Station Dhomanganj, Prayagraj;*
10. *Crime/FIR No.0206 of 2012, Police Station Dhomanganj, Prayagraj;*
11. *Crime/FIR No.0245 of 2012, Police Station Dhomanganj, Prayagraj;*
12. *Crime/FIR No.0354 of 2012, Police Station Dhomanganj, Prayagraj;*
13. *Crime/FIR No.0164 of 2014, Police Station Dhomanganj, Prayagraj;*
14. *Crime/FIR No.0561 of 2015, Police Station Dhomanganj, Prayagraj;*
15. *Crime/FIR No.0634 of 2015, Police Station Dhomanganj, Prayagraj;*
16. *Crime/FIR No.0825 of 2015, Police Station Dhomanganj, Prayagraj;*
17. *Crime/FIR No.0392 of 2016, Police Station Dhomanganj, Prayagraj;*
18. *Crime/FIR No.015 of 2017, Police Station Dhomanganj, Prayagraj;*
19. *Crime/FIR No.0341 of 2017, Police Station Dhomanganj, Prayagraj;*
20. *Crime/FIR No.0491 of 2017, Police Station Dhomanganj, Prayagraj;*
21. *Crime/FIR No.0537 of 2017, Police Station Dhomanganj, Prayagraj;*
22. *Crime/FIR No.0833 of 2017, Police Station Dhomanganj, Prayagraj;*
23. *Crime/FIR No.0853 of 2017, Police Station Dhomanganj, Prayagraj;*
24. *Crime/FIR No.0995 of 2017, Police Station Dhomanganj, Prayagraj;*
25. *Crime/FIR No.0437 of 2018, Police Station Dhomanganj, Prayagraj; and*
26. *Crime/FIR No.-1367 of 2018, Police Station Dhomanganj, Prayagraj.*

5. While the accused-respondent was on bail, he has committed three offences under Section 302 IPC, three offences under Section 364 IPC, two

offences under Section 307 IPC and offence under Section 376-D IPC, besides offences under the Gangsters Act, Goonda Act, Arms Act and SC/ST Act.

6. The accused-respondent is a hardened criminal who belongs to one of the most dreaded gangs of Uttar Pradesh led by accused, Ateeq Ahmad. After the accused-respondent was set at liberty of bail granted by the trial Court, he has committed one offence after another of heinous nature, as mentioned above. The accused-respondent has not only violated the terms & conditions of the bail, but also he has been involved in several offences, including three cases of murder. It is also relevant to mention here that recently one star witness of Raju Pal's case got eliminated in a most gruesome and dare-devil manner allegedly by Ateeq Ahmad and his gang-members in a broad-day-light incident. All the offences are registered at Police Station Dhomanganj, Prayagraj. It appears that in the area of Police Station Dhomanganj, writ of the State Government does not run, rather writ of dreaded criminal, Ateeq Ahmad runs. Considering these facts, this Court finds that the accused-respondent would be a danger to the witnesses and his freedom would be peril to the lives, safety and security of the law abiding citizens and witnesses. The impugned order is hereby **quashed**. Consequently, the bail granted to the accused-respondent is hereby **cancelled**.

7. ALLOWED.

[D.K. SINGH, J.]

Order Date :- 2.3.2023

MVS/-