

Court No. - 87

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42431 of 2022

Applicant :- Ali @ Ali Ahmad @ Mohd Ali Ahmad

Opposite Party :- State of U.P.

Counsel for Applicant :- Khan Saulat Hanif, Nayab Ahmad Khan, Ravindra Sharma, Shadab Ali

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh, J.

1. Despite the case having been taken up in revised call, no one has put in appearance on behalf of the accused-applicant to press this bail application. However, Sri Manish Goyal, learned Additional Advocate General assisted by Sri Rajesh Mishra, learned A.G.A. as well as Sri Abhijit Mukherji, learned counsel representing the State are present. Therefore, the Court has no option but to decide the bail application with the assistance of the State Counsels.

2. The present application under Section 439 Cr.P.C. has been filed by the accused applicant seeking bail in Case Crime No.732 of 2021, under Sections 147, 148, 149, 323, 504, 506, 307, 308, 386 and 427 IPC, Police Station Kareli, District Prayagraj.

3. Accused-applicant is the son of the one of the most dreaded criminal, Bahubali and Mafia Don, Atique Ahmad, who has to his credit more than hundred criminal cases of murder, abduction, extortion, ransom, property grabbing and other heinous offences. The accused-applicant himself to his credit has other cases registered against him, which have been annexed in Annexure-CA-3 of the counter affidavit, which read as under:-

“1. Case Crime No.732 of 2021, under Sections 147, 148, 149, 323, 504, 506, 307, 308, 386 and 427 IPC, Police Station Kareli, District Prayagraj;

2. Case Crime No.635 of 2021, under Sections 295A, 505(2) and 506 IPC, Police Station Kareli, District Prayagraj;

3. Case Crime No.222 of 2022, under Sections 120-B, 147, 149, 307, 427, 504 and 506 IPC, Police Station Puramufti, District Prayagraj; and

4. *Case Crime No.238 of 2022, under Section 3/25 Arms Act, Police Station Kareli, District Prayagraj.*”

4. Recently, name of the accused-applicant has also got figured in a most daring and gruesome murder of Umesh Pal, star witness in the case of murder of sitting Member of Legislative Assembly, Raju Pal allegedly by his father and other accused in a broad day light where Raju Pal, sitting Member of Legislative Assembly and three more persons were killed by firing at them several gun shots from automatic weapons. In respect of the murder of the star witness and his two security officers, an FIR has been registered on 25.2.2023 bearing No.0114 of 2023, under Sections 147, 148, 149, 302, 307, 506, 34 and 120-B IPC, Section 3 of the Explosive Substances Act and Section 7 Criminal Law Amendment Act at Police Station Dhoomanganj, District Prayagraj against the accused-applicant and other accused.

5. Allegation in the FIR in which the accused-applicant is seeking bail, is that when the complainant was sitting in his house along with his family members on 31.12.2021 at around 3.45 PM, the accused-applicant and other co-accused arrived there in three vehicles and surrounded the complainant. In three vehicles, the accused-applicant and around twenty people named and unnamed accused came there. The present accused-applicant put gun on the head of the complainant and said put the phone on and asked the complainant to speak to his father, Atique Ahmad. When the complainant refused to speak to the father of the accused-applicant, then the accused-applicant and other accused threatened to kill the complainant and his family and, demanded extortion of Rs.5,00,00,000/- or the complainant should transfer the land situate at Enuddinpur in the name of the wife of the accused-applicant. The accused-applicant and other accused, who had come in three vehicles, assaulted the complainant and his family members by butt of rifle, pistol and country-made pistol and, the complainant and other family members had suffered several injuries. Their injury reports have been placed on record. It is also alleged that when the complainant was running away to save himself, the accused-applicant and one Asaad had fired from pistols. However, the complainant could save

himself.

6. Mafia Don and his family have accumulated the wealth and properties of the several hundred crores in this fashion from proceeds of crime. The accused-applicant is Mafia Don himself in making, his role has figured in commission of the offence of murder of Umesh Pal, star witness in the murder case of Raju Pal, sitting Member of Legislative Assembly, which has been expedited by the Supreme Court. Such a criminal if comes out from jail on bail, would be a threat not only to the witnesses, but also constant threat to the society.

7. Considering the entire facts and circumstances of the case and also looking to the allegation and the criminal antecedents of the accused-applicant, this Court does not find any ground to enlarge the accused-applicant on bail.

8. Bail application is accordingly *rejected*.

.

(Dinesh Kumar Singh, J.)

Order Date :- 27.2.2023
Rao/-