

Neutral Citation No. - 2023:AHC:178214

Reserved on 29.08.2023

Delivered on 15.09.2023

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26662 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah, Mohammad Khalid

Counsel for Opposite Party :- G.A.

Connected with

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26601 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Khalid, Imran Ullah

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26607 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah, Mohammad Khalid

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26609 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah, Mohammad Khalid

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26610 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah, Mohammad Khalid

Counsel for Opposite Party :- G.A.

&

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26614 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Khalid, Imran Ullah

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26619 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah, Mohammad Khalid

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26620 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah, Mohammad Khalid

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26622 of 2023

Applicant :- Ex. C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah, Mohammad Khalid

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26626 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah, Mohammad Khalid

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26630 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah, Mohammad Khalid

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26633 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah, Mohammad Khalid

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26646 of 2023

Applicant :- Ex C.O Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Khalid,Imran Ullah

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26647 of 2023

Applicant :- Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah,Mohammad Khalid

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26649 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah,Mohammad Khalid

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26650 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah,Mohammad Khalid

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26651 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah,Mohammad Khalid

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26653 of 2023

Applicant :- Ex C.O. Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Imran Ullah,Mohammad Khalid

Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26655 of 2023

Applicant :- Ex C.O Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Khalid,Imran Ullah
Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26656 of 2023
Applicant :- Ex C.O. Aley Hasan Khan
Opposite Party :- State of U.P.
Counsel for Applicant :- Imran Ullah,Mohammad Khalid
Counsel for Opposite Party :- G.A.

&

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26657 of 2023
Applicant :- Ex C.O. Aley Hasan Khan
Opposite Party :- State of U.P.
Counsel for Applicant :- Imran Ullah,Mohammad Khalid
Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26658 of 2023
Applicant :- Ex C.O. Aley Hasan Khan
Opposite Party :- State of U.P.
Counsel for Applicant :- Imran Ullah,Mohammad Khalid
Counsel for Opposite Party :- G.A.

&

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26659 of 2023
Applicant :- Ex C.O. Aley Hasan Khan
Opposite Party :- State of U.P.
Counsel for Applicant :- Imran Ullah,Mohammad Khalid
Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26660 of 2023
Applicant :- Ex. C. O Aley Hasan Khan
Opposite Party :- State of U.P.
Counsel for Applicant :- Imran Ullah,Mohammad Khalid
Counsel for Opposite Party :- G.A.

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26672 of 2023
Applicant :- Ex C.O Aley Hasan Khkan
Opposite Party :- State of U.P.
Counsel for Applicant :- Mohammad Khalid,Imran Ullah
Counsel for Opposite Party :- G.A.

&

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26677 of 2023

Applicant :- Ex C.O Aley Hasan Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Khalid, Imran Ullah

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh, J.

1. Heard Sri Imran Ullah learned counsel for the applicant and Sri P.K. Giri, learned Additional Advocate General, assisted by Sri Jai Narain, learned A.G.A. for the State.
2. All these bail applications have been moved by one and the same applicant-accused Ex C.O Aley Hasan Khan in separate above referred cases, wherein the allegations are more or less similar and all the cases are connected with each other, thus, all the above-stated bail applications are being decided by this common order.
3. The bail application no. 26662 of 2023 has been filed by the applicant-accused in case crime No. 224 of 2019, under Sections 120-B, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The first information report of this case was lodged by the Revenue Inspector Manoj Kumar, area Khaud, tehsil Sadar, district Rampur, against the applicant and co-accused Ex. Minister Azam Khan, alleging that on inquiry it has been found that the tenure-holders of Gata Nos. 1239 area 0.114 hectare, Gata No. 1232 area 0.126 hectare, Gata No. 1415, area 0.089 hectare, Gata No. 1253/1 area 0.089 hectare, Gata No. 1319-kha area 1.294 hectare, have made applications and submitted affidavits to the effect that Ex. Cabinet Minister Azam Khan and C.O. City Aley Hasan Khan (hereinafter referred to the applicant) have threatened and pressurized the tenure-holders to execute sale-deed in favour of the Maulana Mohammad Ali Jauhar University (*hereinafter referred as the 'University'*) and they have threatened to implicate them in false cases and they were also detained for in lock-up for one day and their lands were illegally taken over into the campus

of the said university. When the said tenure-holders used to demand their possession over their lands, the accused persons used to threaten them. It was also alleged that their lands have been illegally occupied by the accused persons.

4. The bail application no. 26601 of 2023 has been filed by the applicant-accused in case crime No. 235 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 504, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Haneef has lodged the first information report of this case against the applicant-accused and co-accused Ex. Minister Azam Khan, alleging that he is co-tenure holder of Gata No. 1232, situated at village Singan Khera, but at the time of construction of the said university, co-accused Ex. Minister Azam Khan and applicant-accused used to assault and pressurize him to transfer his land to the said university and he was kept confined in the lock-up and later on he was threatened by the accused persons that if he did not transfer his land in favour of the said university, he would be sent to jail by showing false recovery of some charas, opium etc. It was alleged that accused persons have forcibly taken over the possession of his land by taking the land inside the campus of the said university.

5. The bail application no. 26607 of 2023 has been filed by the applicant-accused in case crime No. 227 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 504, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Bande Ali has lodged the first information report of this case against the applicant-accused and co-accused Ex. Minister Azam Khan, alleging that he is co-tenure holder of Gata No. 1232 situated at village Singan Khera but about 15 years back, at the time of construction of the said university, co-accused Ex. Minister Azam Khan has forcibly taken over the possession over his land by taking it inside the campus of the said university. The applicant-accused kept him confined for one day in the lock-up and assaulted him and later on he was threatened by the accused persons that if

he did not transfer his land in favour of the said university, he would be implicated in some false cases and the sale deed of his land was got executed.

6. The bail application no. 26609 of 2023 has been filed by the applicant-accused in case crime No. 239 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 504, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Nasir has lodged the first information report of this case against the applicant-accused and co-accused Ex. Minister Azam Khan, alleging that he is co-tenure-holder of Gata No. 1232 situated at village Singan Khera but at the time of construction of the said university, accused persons have pressurized him in order to take over the possession of his land and they have also assaulted him and he was kept confined for 18-19 hours in the lock-up by the applicant-accused and later on he was threatened by the applicant-accused that if he did not transfer his land in favour of the said university, he would be implicated in some cases of opium, charas etc. Accused persons have also tried to kill him. It was also alleged that accused persons have forcibly taken over the possession over his land by taking his land inside the campus of the said university.

7. The bail application no. 26610 of 2023 has been filed by the applicant-accused in case crime No. 240 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Nazim has lodged the first information report of this case against the applicant-accused and co-accused Ex. Minister Azam Khan, alleging that he is tenure-holder of Gata No. 1253/1 situated at village Singan Khera but at the time of construction of the said university, accused persons have pressurized and assaulted him to take over the possession of his land and he was kept confined for 14-17 hours in the lock-up by the applicant-accused and later on he was threatened by the applicant-accused that if he did not transfer his land in favour of the said university, he would

be implicated in some cases of theft, charas and smack etc. It was also alleged that accused persons have forcibly taken over the possession of his land by taking the land inside the campus of the said university.

8. The bail application no. 26614 of 2023 has been filed by the applicant-accused in case crime No. 252 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Mohd. Yaseen has lodged the first information report of this case against the applicant-accused, co-accused Ex. Minister Azam Khan and SHO Kushalveer Singh, alleging that he is co-tenure-holder of Gata No. 1415 situated at village Singan Khera but at the time of construction of the said university, accused persons have pressurized and assaulted him and his family members to take over the possession of his land and he was kept confined for 2 hours in the lock-up by the applicant-accused and the SHO and later on he was threatened by the accused persons that if he did not transfer his land in favour of the said university, he would be implicated in cases of charas, smack and theft etc. Accused persons have also tried to kill him. It was also alleged that accused persons have forcibly taken over the possession of his land by taking the land inside the campus of the said university.

9. The bail application no. 26619 of 2023 has been filed by the applicant-accused in case crime No. 250 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Mohd. Haneef has lodged the first information report of this case against the applicant-accused, co-accused Ex. Minister Azam Khan and SHO Kushalveer Singh, alleging that he is co-tenure-holder of Gata No. 1415 situated at village Singan Khera but at the time of construction of the said university, accused persons have pressurized and assaulted him in order to take over the possession of his land. The informant was kept confined for 10-16 hours in the lock-up by the applicant-accused and the SHO and later

on he was threatened by the accused persons that if he did not transfer his land in favour of the said university, he would be implicated in cases of charas, smack and opium etc. It was alleged that accused persons have forcibly taken over the possession of his land by taking the land inside the campus of the said university.

10. The bail application no. 26620 of 2023 has been filed by the applicant-accused in case crime No. 249 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Rafeeq has lodged the first information report of this case against the applicant-accused and co-accused Ex. Minister Azam Khan and SHO Kushalveer Singh, alleging that he is co-tenure-holder of Gata No. 1253/1 situated at village Singan Khera but at the time of construction of the said university, accused persons have pressurized and assaulted him in order to take over the possession of his land. He was kept confined for one day in the lock-up by the applicant-accused and the SHO and later on he was threatened by the accused persons that if he did not transfer his land in favour of the said university, he would be implicated in cases of smack, charas and theft etc. It was also alleged that accused persons have forcibly taken over the possession of his land by taking the land inside the campus of the said university.

11. The bail application no. 26622 of 2023 has been filed by the applicant-accused in case crime No. 262 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Noor Alam has lodged the first information report of this case against the applicant-accused, co-accused Ex. Minister Azam Khan and SHO Kushalveer Singh, alleging that he is tenure-holder of Gata No. 1319-Kha situated at village Singan Khera but at the time of construction of the said university, accused persons have pressurized and assaulted him in order to take over the possession of his land and he was kept confined for

one day in the lock-up by the applicant-accused and the SHO and later on he was threatened by the accused persons that if he did not transfer his land in favour of the said university, he would be implicated in some cases of theft, charas, smack and Ganja etc. It was alleged that accused persons have forcibly taken over the possession of his land by taking the land in the campus of the said university.

12. The bail application no. 26626 of 2023 has been filed by the applicant-accused in case crime No. 248 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 504, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Mohd. Hasan has lodged the first information report of this case against the applicant-accused and co-accused Ex. Minister Azam Khan and SHO Kushalveer Singh, alleging that he is tenure-holder of Gata No. 1319-Kha situated at village Singan Khera but at the time of construction of the said university, the accused persons have pressurized and assaulted him as well as his family members in order to take over the possession of his land and he was kept confined for one day in the lock-up by the applicant-accused and the SHO and later on he was threatened by the accused persons that if he did not transfer his land in favour of the said university, he would be implicated in some cases of charas, smack etc. It was alleged that accused persons have forcibly taken over the possession of his land by taking his land inside the campus of the said university.

13. The bail application no. 26630 of 2023 has been filed by the applicant-accused in case crime No. 237 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Mohd. Mustaqeem has lodged the first information report of this case against the applicant-accused and co-accused Ex. Minister Azam Khan, alleging that he is tenure-holder of Gata No. 1415 situated at village Singan Khera but at the time of construction of the said university, accused persons have pressurized and assaulted him as well as his family

members in order to take possession over his land and he was kept confined for 10-11 hours in the lock-up by the applicant-accused and later on he was threatened by the accused persons that if he did not transfer his land in favour of the said university, he would be implicated in cases of theft, Gangster, charas etc. Applicant-accused has also threatened to kill him. It was alleged that accused persons have forcibly taken over the possession over his land by taking the land inside the campus of the said university.

14. The bail application no. 26633 of 2023 has been filed by the applicant-accused in case crime No. 260 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Mohd. Alim has lodged the first information report of this case against the applicant-accused, co-accused Ex. Minister Azam Khan and SHO Kushalveer Singh, alleging that the informant is tenure-holder of Gata No. 1319-kha situated at village Singan Khera but at the time of construction of the said university, accused persons have assaulted him and they pressurised him to transfer his land. The applicant-accused and the co-accused Kushalveer Singh detained him in the lock-up for 20-24 hours. The informant has further alleged that he was threatened by the accused persons that in case he did not transfer his land in favour of the said university, he would be implicated in case of charas, smack and heroine etc. and when he did not execute the sale-deed, his land was forcibly taken inside the compound of the said university.

15. The bail application no. 26646 of 2023 has been filed by the applicant-accused in case crime No. 241 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Nabbu has lodged the first information report of this case against the applicant-accused and co-accused Ex. Minister Azam Khan, alleging that the informant is tenure-holder of Gata No. 1253/1 situated at village Singan Khera but at the time of construction of the said university,

accused persons have assaulted him in order to take over his land and they used to pressurize him to transfer his land and he was lodged in lock-up for 10-12 hours by the applicant-accused and he was threatened that in case he did not transfer his land in favour of the said university, he would be implicated in some case of smack and charas etc. It was alleged that his land has been illegally taken over inside the university.

16. The bail application no. 26647 of 2023 has been filed by the applicant-accused in case crime No. 238 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Matloob has lodged the first information report of this case against the applicant and the co-accused Ex. Minister Azam Khan, alleging that the informant is co-tenure-holder of Gata No. 1319-Kha situated at village Singan Khera but at the time of construction of the said university, the applicant-accused and the co-accused Ex. Minister Azam Khan have assaulted him in order to take over his land and they pressurised him to transfer his land and he was confined in lock-up by the applicant-accused for two days. The informant was threatened that in case he did not transfer his land in favour of the said university, he would be implicated in some case of smack, charas, theft and heroine etc. and that accused persons have also tried to kill him. It was alleged that sale-deed of his land was got executed in favour of the said university by way of force and coercion.

17. The bail application no. 26649 of 2023 has been filed by the applicant-accused in case crime No. 295 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Asrar has lodged the first information report of this case against the applicant, the co-accused Ex. Minister Azam Khan, the SHO Kushalveer Singh, and one unknown person alleging that the informant is co-tenure-holder of Gata No. 1230 situated at village Singan Khera but during construction of the said university, co-accused Cabinet Minister Azam

Khan coerced the informant to transfer his land to the said university and later on applicant-accused along with police officials lifted the informant from his house and threatened him that if he did not transfer his land in favour of the said university, they would send him to jail in case of charas, smack etc. and that he was kept confined for 15 hours in the lock-up. It was alleged that accused persons have forcibly taken over the possession of his land by taking the land inside the campus of the said university.

18. The bail application no. 26650 of 2023 has been filed by the applicant-accused in case crime No. 255 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Nazaqat has lodged the first information report of this case against the applicant-accused, co-accused Ex. Minister Azam Khan and SHO Kushalveer Singh, alleging that he is co-tenure holder of Gata No. 1230 situated at village Singan Khera but at the time of construction of the said university, accused persons have pressurized and assaulted him as well as his family members, in order to take over the possession over his land and he was kept confined for 27-28 hours in the lock-up by the applicant-accused and the SHO have threatened that if he did not transfer his land in favour of the said university, he would be implicated in some cases of charas, opium, theft etc. It was alleged that accused persons have forcibly taken over the possession of his land by taking his land inside the campus of the said university.

19. The bail application no. 26651 of 2023 has been filed by the applicant-accused in case crime No. 236 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Shareef Ahmad has lodged the first information report of this case against the applicant-accused and co-accused Ex. Minister Azam Khan, alleging that he is tenure holder of Gata No. 1230 situated at village Singan Khera but at the time of construction of the said university, accused

persons have pressurized and assaulted him as well as his family members, in order to take over the possession of his land and he was kept confined for 14-18 hours in the lock-up by the applicant-accused and he was threatened by the accused persons that if he did not transfer his land in favour of the said university, he would be implicated in cases of charas, opium and smack etc. It was alleged that accused persons have forcibly taken over the possession of his land by taking the land inside the campus of the said university.

20. The bail application no. 26653 of 2023 has been filed by the applicant-accused in case crime No. 228 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Mohd. Ahmad has lodged the first information report of this case against the applicant-accused and co-accused Ex. Minister Azam Khan, alleging that he is co-tenure-holder of Gata No. 1232 situated at village Singan Khera. About 15 years back at the time of construction of the said university, accused persons have forcibly taken over the possession of his land by taking his land inside the campus of the said university. Applicant-accused has also kept him confined in the lock-up and harassed and he was threatened by the accused persons that if he did not transfer his land in favour of the said university, he would be implicated in some false cases.

21. The bail application no. 26655 of 2023 has been filed by the applicant-accused in case crime No. 232 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Kallan has lodged the first information report of this case against the applicant-accused and co-accused Ex. Minister Azam Khan, alleging that he is co-tenure holder of Gata No. 1230 situated at village Singan Khera. At the time of construction of the said university, accused persons have pressurized him and forcibly taken over the possession of his

land by taking the land inside the campus of the said university and he was threatened by the accused persons that if he did not transfer his land in favour of the said university, he along with his family members, would be implicated in cases of charas and opium and he was kept confined in the lock-up for 10-15 hours.

22. The bail application no. 26656 of 2023 has been filed by the applicant-accused in case crime No. 242 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Jumma has lodged the first information report of this case against the applicant-accused and co-accused Ex. Minister Azam Khan, alleging that he is co-tenure holder of Gata No. 1230 situated at village Singan Khera. At the time of construction of the said university, accused persons have pressurized and assaulted him as well as his family members, in order to take over the possession of his land and he was kept confined for one day in the lock-up by the applicant-accused and he was threatened by the accused persons that if he did not transfer his land in favour of the said university, he would be implicated in some cases of charas, smack and theft etc. It was alleged that accused persons have forcibly taken over the possession of his land by taking the land inside the campus of the said university.

23. The bail application no. 26657 of 2023 has been filed by the applicant-accused in case crime No. 251 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Bhullan has lodged the first information report of this case against the applicant-accused, co-accused Ex. Minister Azam Khan and the SHO Kushalveer Singh, alleging that he is co-tenure-holder of Gata No. 1415 situated at village Singan Khera. At the time of construction of the said university, accused persons have pressurized and assaulted him as well as his family members, in order to take over the possession of his land and he was

kept confined for 17-19 hours in the lock-up by the applicant-accused and threatened by the accused persons that if he did not transfer his land in favour of the said university, he would be implicated in cases of charas, gangster and theft etc. It was alleged that accused persons have forcibly taken over the possession of his land by taking his land inside the campus of the said university.

24. The bail application no. 26658 of 2023 has been filed by the applicant-accused in case crime No. 257 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 504, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Reshma has lodged the first information report of this case against the applicant-accused, co-accused Ex. Minister Azam Khan and the SHO Kushalveer Singh, alleging that she is co-tenure holder of Gata No. 1232 situated at village Singan Khera. At the time of construction of the said university, accused persons have pressurized and assaulted her, as well as her family members, in order to take over the possession of her land and she along with her family members was kept confined for 24-25 hours in the lock-up by the applicant-accused and threatened that if she did not transfer her land in favour of the said university, she and her family members would be implicated in some cases of charas, theft and smack etc. It was alleged that accused persons have forcibly taken over the possession of her land by taking her land inside the campus of the said university.

25. The bail application no. 26659 of 2023 has been filed by the applicant-accused in case crime No. 261 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 504, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Zakir has lodged the first information report of this case against the applicant-accused, co-accused Ex. Minister Azam Khan and the SHO Kushalveer Singh, alleging that he is co-tenure holder of Gata No. 1232 situated at village Singan Khera and at the time of construction of the said university, accused persons have pressurized and assaulted him in order

to take over the possession of his land. The informant along with his family members was kept confined for 21-22 hours in the lock-up by the applicant-accused and threatened that if he did not transfer his land in favour of the said university, informant and his family members would be implicated in cases of charas, smack and opium etc. It was alleged that accused persons have forcibly taken over the possession of his land by taking the land inside the campus of the said university.

26. The bail application no. 26660 of 2023 has been filed by the applicant-accused in case crime No. 254 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 504, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Abrar has lodged the first information report of this case against the applicant-accused, co-accused Ex. Minister Azam Khan and the SHO Kushalveer Singh, alleging that he is co-tenure-holder of Gata No. 1230 situated at village Singan Khera and that at the time of construction of the said university, accused persons have pressurized and assaulted him in order to take over the possession of his land and he was kept confined for 21-30 hours in the lock-up by the applicant-accused and the SHO and threatened that if he did not transfer his land in favour of the said university, he would be implicated in cases of charas, smack and theft etc. It was alleged that accused persons have forcibly taken over the possession of his land by taking the land inside the campus of the said university.

27. The bail application no. 26672 of 2023 has been filed by the applicant-accused in case crime No. 256 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Ameer Alam has lodged the first information report of this case against the applicant-accused, co-accused Ex. Minister Azam Khan and the SHO Kushalveer Singh, alleging that he is co-tenure-holder of Gata No. 1319-Kha situated at village Singan Khera and that at the time of construction of the said university, accused persons have pressurized and

assaulted him in order to take over the possession of his land and he was kept confined for 2 days in the lock-up by the applicant-accused and the SHO and he was threatened by the accused persons that if he did not transfer his land in favour of the said university, he would be implicated in cases of charas, smack and dacoity etc. It was alleged that accused persons have forcibly taken over the possession of his land by taking his land inside the campus of the said university.

28. The bail application no. 26677 of 2023 has been filed by the applicant-accused in case crime No. 253 of 2019, under Sections 120-B, 323, 342, 386, 389, 420, 447, 506 IPC, police station Azeem Nagar, District Rampur with the prayer to enlarge the applicant on bail.

The informant Naame has lodged the first information report of this case against the applicant-accused, co-accused Ex. Minister Azam Khan and the SHO Kushalveer Singh, alleging that he is co-tenure-holder of Gata No. 1230 situated at village Singan Khera. At the time of construction of the said university, accused persons have pressurized and assaulted him and his family members, in order to take over the possession of his land and he was kept confined for 23-25 hours in the lock-up by the applicant-accused and the SHO and he was threatened by the accused persons that if he did not transfer his land in favour of the said university, he would be implicated in cases of charas, smack and dacoity etc. It was alleged that accused persons have forcibly taken over the possession of his land by taking the land inside the campus of the said university.

29. The arguments of learned counsel for the applicant are substantially similar for all the above-stated cases. It has been argued by learned counsel for the applicant that applicant was working as Deputy Superintendent of Police, having unblemished career of several years, and he has been falsely implicated in this case due to political vendetta. The first information reports of all the above-stated cases have been lodged with long and undue delay and no satisfactory explanation for such delay has been shown. The allegations made in most of the first information reports pertain to the period

of establishment of the said university and the process of establishment was started since the year 2005-06 and thus, there is long delay of about 15 years in lodging of the first information reports. In the first information reports of the cases, even no date, time or place of the incidents was mentioned. During investigation, prosecution has tried to fill up the loopholes in the prosecution case and an attempt was made to mention the necessary details like dates and places of the incident through statements of witnesses but the veracity of the allegations is wholly doubtful. All the first information reports of the above-stated 26 cases were lodged within a span of two months by making similar allegations, which are quite vague and this clearly indicate that these reports were lodged with malafide intention. During investigation, the applicant-accused has filed a writ petition No. 21553 of 2019 before this Court, wherein an interim order dated 25.09.2019 was passed by this court to the effect that by the next date of listing, applicant shall not be arrested in all the above-referred cases. It was submitted that the allegations, made in the first information reports of the above-stated cases, are that the various pieces of land of the farmers/complainants were illegally occupied by the university and in that process applicant-accused used to threaten them to transfer their lands to the said university and that applicant used to confine the complainants in lock-up for some hours/one day/two days. The allegations are quite vague, absurd and inherently improbable. Except bald allegation, there is nothing to show that applicant-accused has lodged or confined any of the complainant in the lock-up of the police station. There is no satisfactory explanation that if such incidents have taken place, why the complainants did not make any complaint at that time. Further, most of the complainants / land owners have executed sale-deeds of their respective lands in favour of the said university with their own free will and by obtaining due amount as consideration. The Investigating Officer did not investigate the matters properly and in accordance with law and the charge-sheets were submitted under the influence and pressure of superior officers. Referring to the facts of the matter, it was submitted that at the most, only case which is made out, is regarding demarcation of lands of the complainants. Further, the

complainants have already filed cases under Section 134 U.P. Revenue Code for ejectment. There is no such allegation that the applicant-accused is in possession of any piece of land pertaining to the complainants. No sale deed was executed in favour of the applicant-accused.

30. It is further submitted that in above-referred all the cases, the prosecution version is that the lands of the complainants were illegally occupied by taking their lands inside the campus of the Maulana Mohammad Ali Jauhar University, which is being run by Maulana Mohammad Ali Jauhar Trust. The applicant-accused is neither a member of the said trust nor he is having any control in the affairs of the Trust or of university. No sale-deed has been executed in favour of the applicant-accused and thus, the applicant is not a beneficiary of the alleged incidents and he has absolutely no motive to grab the lands of the said complainants. The applicant has already retired from his services on 30.06.2017 and soon after his retirement, police have registered as many as 54 cases against him within a span of two months, under the influence of ruling party of the State. Earlier in three cases i.e. case crime no. 1200 of 2007, under Section 427, 452, 120-B IPC, police station Civil Lines, district Rampur, case crime no. 640 of 2016, under Section 395 IPC, police station Civil Lines, district Rampur and case crime no. 376 of 2016, under Section 323, 504, 506, 364, 342, 420 IPC, police station Civil Lines, district Rampur, the police have submitted final reports in favour of the applicant and applicant was exonerated. Referring to the facts of the matter, it was submitted that the ingredients of offence under Section 420 IPC are not made out against the applicant. Similarly, regarding prosecution of the accused-appellant for offence under Section 447 read with Section 441 IPC, no notice as prescribed under Section 441 IPC has been given and thus, the prosecution of applicant under Section 447 IPC is barred by law. In this connection, learned counsel has referred the amended provisions of Section 447 IPC, which were amended vide U.P. Act No. 31 of 1961. Similarly, regarding the allegations that the complainants were assaulted, there is no injury report of any of the complainant.

31. It is further submitted that even according to prosecution version, the main beneficiary of alleged transfer or possession of the disputed lands of the complainants is co-accused Mohd. Azam Khan, who is founder of the said university and that criminal history of about 100 cases was shown against him and he has already been granted bail by the Special Judge (MP/MLA)/Additional Sessions Judge, Court No. 10, Rampur vide order dated 21.11.2020. It is further submitted that in one of the similar case, the applicant has already been granted anticipatory bail vide order dated 29.08.2019 in case crime no. 226/2019, under Sections 323, 342, 447, 384, 504, 506 IPC.

32. It is further submitted that the investigation of all the cases is complete and charge-sheets have already been filed and thus, there is no possibility of tampering with the evidence and the applicant is in jail since 07.05.2023 and thus, he has already undergone the detention of about four months. Referring to the above-stated facts, it was submitted that a case for bail in all the above-stated cases is made out.

33. Sri P.K. Giri, learned Additional Advocate General, assisted by Sri Jai Narain, learned A.G.A. for the State has vehemently opposed the above-stated bail applications and submitted that there are serious allegations against the applicant-accused. It was submitted that the applicant-accused was instrumental in obtaining the illegal possession of the lands of the complainants in the above-stated cases. The applicant-accused, being posted as Deputy Superintendent of Police, took undue advantage of his official position and he used to pressurize and threaten the above-stated complainants to transfer their lands to the said university and in that process applicant-accused often used to pick-up the complainants and their family members by threatening them and he used to confine them in the lock-up of the police station. Referring to the first information reports and the statements of complainants and other witnesses, it was submitted that there are serious allegations against the applicant-accused and he has threatened and coerced the complainants to transfer their lands. The applicant-accused

has played active role in the entire incident. The alleged sale-deeds are nothing but sham and no consideration amount was paid to the complainants. The investigation has been conducted properly and there is credible evidence against the applicant-accused. It was submitted that in case the applicant is granted bail, he may tamper with the evidence and he may try to threat/pressurize the complainants and witnesses. It is further submitted that even after his retirement, the applicant is working as Security Officer in the said university, which further goes to show that he was in hand and glove with co-accused persons in alleged acts of cheating, extortion, illegal occupation of lands and other misdeeds. It was submitted that when a police official indulges in such illegal acts and crimes, no leniency must be shown to such police official and in this connection, learned counsel has referred the case of **Arun Kumar v. State of U.P.** (criminal misc. bail application no. 4699 of 2021, decided on 22.05.2023). It is submitted that in view of the aforesaid facts and evidence, no case for bail is made out.

34. I have considered the rival submissions and perused the record.

35. Before proceeding further it may be observed that in case of State through C.B.I vs. Amaramani Tripathi– [(2005) 8 SCC 21], the Apex Court held that a Court granting bail to an accused, must apply its mind and go into the merits and evidence on record and determine whether a prima-facie case was established against the accused. It was held that the seriousness and gravity of the crime was also a relevant consideration. The Hon'ble Apex Court has, in a catena of judgments, outlined the considerations on the basis of which discretion under Section 439 CrPC has to be exercised while granting bail. In landmark judgment of Gurcharan Singh v. State (Delhi Administration) (1978) 1 SCC 118, the Apex Court has laid down various parameters which must be considered while granting bail. The Court held as follows:

“24. ...Even so, the High Court or the Court of Session will have to exercise its judicial discretion in considering the question of granting of bail under Section 439(1) CrPC of the new Code. The overriding considerations in granting bail to which we adverted to earlier and which are

common both in the case of Section 437(1) and Section 439(1) CrPC of the new Code are the nature and gravity of the circumstances in which the offence is committed; the position and the status of the accused with reference to the victim and the witnesses; the likelihood, of the accused fleeing from justice; of repeating the offence; of jeopardising his own life being faced with a grim prospect of possible conviction in the case; of tampering with witnesses; the history of the case as well as of its investigation and other relevant grounds which, in view of so many valuable factors, cannot be exhaustively set out.”

36. It was held that above factors do not constitute an exhaustive list. The grant of bail requires the consideration of various factors which ultimately depends upon the specific facts and circumstances of the case before the Court. There is no strait jacket formula which can ever be prescribed as to what the relevant factors could be. However, certain important factors that are always considered, inter-alia, relate to prima facie involvement of the accused, nature and gravity of the charge, severity of the punishment, and the character, position and standing of the accused.

37. It is also to be kept in view that at the stage of granting bail, the Court is not required to enter into a detailed analysis of the evidence in the case. Such an exercise may be undertaken at the stage of trial. In case of **Prasanta Kumar Sarkar v. Ashis Chatterjee**, (2010) 14 SCC 496, the Court held as under:

“9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
- (ii) nature and gravity of the accusation;
- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail.

xxx xxx xxx

10. It is manifest that if the High Court does not advert to these relevant considerations and mechanically grants bail, the said order would suffer from the vice of non-application of mind, rendering it to be illegal.....”..

38. In **Mahipal v. Rajesh Kumar**, (2020) 2 SCC 118, the court followed the observations made in *Prasanta Kumar Sarkar* (supra) and held as follows:

“17. Where a court considering an application for bail fails to consider relevant factors, an appellate court may justifiably set aside the order granting bail. An appellate court is thus required to consider whether the order granting bail suffers from a non-application of mind or is not borne out from a prima facie view of the evidence on record. It is thus necessary for this Court to assess whether, on the basis of the evidentiary record, there existed a prima facie or reasonable ground to believe that the accused had committed the crime, also taking into account the seriousness of the crime and the severity of the punishment...”

39. A three Judges’ Bench of the Apex Court in **Jagjeet Singh & Ors. V. Ashish Mishra @ Monu & Anr.** in Criminal Appeal No. 632 of 2022, has reiterated the factors that the Court must consider at the time of granting bail under Section 439 CrPC, as well as highlighted the circumstances where this Court may interfere when bail has been granted in violation of the requirements under the above-mentioned section. The Court observed as follows:

“28. We may, at the outset, clarify that power to grant bail under Section 439 of CrPC, is one of wide amplitude. A High Court or a Sessions Court, as the case may be, are bestowed with considerable discretion while deciding an application for bail. But, as has been held by this Court on multiple occasions, this discretion is not unfettered. On the contrary, the High Court or the Sessions Court must grant bail after the application of a judicial mind, following well established principles, and not in a cryptic or mechanical manner.”

40. In case of **Kalyan Chandra Sarkar V Rajesh Ranjan alias Pappu Yadav & Anr.** – [(2004) 7 SCC 528], the Court held that although it is established that a Court considering a bail application cannot undertake a detailed examination of the evidence and make an elaborate discussion on the merits of the case, the Court is required to indicate the prima facie reasons justifying the grant of bail.

41. Keeping the aforesaid position position in view, in the instant matter it appears from the record that at the relevant time, the applicant-accused was working as Dy Superintendent of Police in police department. The allegations in all the above-stated cases are nearly similar and all the complainants have alleged that when the Maulana Mohammad Ali Jauhar University was established in the year 2006-2007, the applicant-accused and co-accused Mohd. Azam Khan used to pressurize and threaten the complainants in order to transfer their respective lands in favour of the said university. It was also alleged that accused persons have assaulted the complainants and that applicant-accused and co-accused Kushalveer Singh (SHO) used to confine the complainants in lock-up of the police station, in order to pressurise them. The first information reports of all the cases have been lodged after a delay of about 14-15 years. In the first information reports, no date, time or place of the alleged incidents have been mentioned. There is no injury report of any of the complainant. As per version of the complainants, their lands were forcibly taken inside the campus of the said university by constructing a four-wall. It was stated that many of the complainants have executed sale-deeds in favour of the said university after receiving due consideration. It was shown from the side of applicant-accused that some of the complainants were not even not entitled to transfer the alleged pieces of lands, regarding which they have lodged the cases, and that land of some of the complainants are outside the boundaries of the university. There is no such allegation that applicant is in possession of any of the disputed piece of land of any of complainant. No sale deed has been executed in favour of the applicant-accused. As per version of the complainants, their lands were forcibly taken inside the campus of the university, which is being run by Maulana Mohammad Ali Jauhar Trust. It was shown that applicant-accused is neither the founder nor the trustee or member of the said Trust. Copy of the revenue entries, attached with rejoinder affidavit, shows that most of the disputed lands were transferred in favour of the said university on the basis of sale-deeds and the name of the university was recorded in the revenue record. It was also shown that main

co-accused Mohd. Azam Khan, who is founder / trustee of the said Trust, has already been granted bail. Applicant is languishing in jail since 07.05.2023 and that investigation of all the cases is complete and charge-sheets have already been submitted in the court.

42. In view of above referred facts, nature of accusations and all attending facts and circumstances of the case, without expressing any opinion on the merits of the cases, the Court is of the considered view that a case for bail is made out. Hence, all the bail applications are hereby allowed.

43. Let the accused-applicant **Ex C.O. Aley Hasan Khan** involved in the above-stated cases / crimes be released on bail on furnishing a personal bond and two local sureties each of the like amount in each case to the satisfaction of court concerned, subject to the following conditions:

- i. The applicant will not tamper with the evidence during trial.
- ii. The applicant will not pressurize/intimidate the prosecution witnesses.
- iii. The applicant will appear before the trial court on the date fixed, unless his personal is exempted is exempted by the court concerned.
- iv. The applicant will not try to contact, threat or otherwise influence the complainant or any of the witness in the aforesaid cases.

44. In case of breach of any of the above condition, the court concerned shall be at liberty to cancel the bail of applicant, in accordance with law.

45. It is clarified that the applicant has to submit separate personal bonds and sureties in each of the above referred cases.

Order Date :- 15.09.2023

Anand