

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6598 of 2023

Applicant :- Anivesh Chandra Das @ Avinash

Opposite Party :- State Of U.P. Thru. Pirn. Secy. Home Lko.

Counsel for Applicant :- Anand Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Anand Dubey, learned counsel for the applicant, Sri Anant Pratap Singh, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 05 of 2022, under Sections 419/420/468/471 I.P.C. and Sections 14A (b), 14C of Foreigners Act, 1946, registered at Police Station Ram Janm Bhumi, District Faizabad/Ayodhya.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 10.02.2022 stating that the applicant is a citizen of Bangladesh and two aadhar cards were recovered from his possession. The F.I.R. records that the applicant told that he was residing in India for the past 16-17 years. A national identity card issued by Bangladesh government was also recovered from his possession.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history. It has further been stated that the applicant is not involved in any criminal activities and he has become a hermit by renouncing all the social obligations.

5. The learned A.G.A. has opposed the prayer for bail and he has submitted that being a Bangladeshi national it would be difficult to ensure the applicant's presence to face the trial in case of his release on bail. He has further submitted that even if it is accepted that the applicant has become a hermit then also there is no means to ensure his presence without any assets.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is alleged to be a foreign national who owns no immovable property in the country, I am of the view that there is a serious apprehension of the applicant being not available to face the trial in case of his release. However, considering the fact that the applicant is languishing in jail since 10.02.2022 and as per the statement made by the applicant's counsel that not even a single witness has been examined till date, a direction is issued to the learned trial court to proceed with the trial expeditiously, fix at least one date every week, not grant any unnecessary adjournment to any of the parties and decide the trial within a period of one year from the date a certified copy of this order is placed before the learned trial court. It is further provided that the Superintendent of Police, Faizabad will personally ensure presence of the official witnesses on every date fixed for examination of the witnesses.

7. With the aforesaid observations, the bail application is **dismissed**.

(Subhash Vidyarthi, J.)

Order Date :- 1.12.2023
Ram.