

Court No. - 12

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7264 of 2023

Applicant :- Abhishek Verma

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

Counsel for Applicant :- Ali Hasan, Mohammad Alishah Faruqi, Mohd. Faraz, Mohd. Suhail

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant, learned A.G.A for the State of U.P. and perused the record.
2. The present bail application has been filed on behalf of the applicant in Case Crime No.45 of 2023, under Sections 457, 380, 411 I.P.C., Police Station- P.G.I., District- Lucknow with the prayer to enlarge him on bail.
3. In pursuance of earlier order dated 07.11.2023, Mr. Pankaj Kumar Singh, Assistant Commissioner of Police, Cantt., Lucknow and Mr. Amit, Station House Officer, Police Station- S.G.P.G.I. are present today before this Court.
4. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the present case, he is in jail since 01.03.2023. He further submits that this is second bail application and first bail application was rejected vide order dated 12.04.2023 with the direction to trial court for expedite disposal. He further submits that applicant does not have any criminal antecedent and till today charge has not been framed. It is further submitted that there is no possibility of conclusion of trial of the case in question in near future, in these circumstances, applicant is entitled for bail. In case of being enlarged on bail, he will not misuse the liberty of bail.
5. Learned A.G.A. opposes the prayer for grant of bail to the applicant and submits that after detail investigation, charge-sheet has already been submitted by Investigating Officer.
6. Considering the rival submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of FIR as well as other relevant documents, this Court is of the view that the applicant is entitled to be released on bail.

7. Let the applicant- **Abhishek Verma** who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC.

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C., may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A IPC.

(vi) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. The presence of aforementioned officers is hereby dispensed with.

Order Date :- 20.11.2023
Arpan