

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12741 of 2023

Applicant :- Amar Nath Trivedi

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And 3 Others

Counsel for Applicant :- Satish Kumar, Sudhaker Prakash

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard learned counsel for the applicant, Ms. Poona Gupta, learned A.G.A. for the State and perused the record.

2. It has been submitted on behalf of the applicant that the applicant is in jail since 28.07.2023 and he has no previous criminal history to his credit. It is submitted that there is an inordinate delay in lodging the F.I.R., which has not been explained in the report itself. There is no allegation that as to who snatched the gold chain and during course of investigation 394 IPC was dropped by Investigating Officer, charge sheet has been submitted before concerned Court. There are general allegations against all the accused. There is previous enmity between both the parties. The co-accused has also moved an application under Section 156(3) Cr.P.C against the family members of the informant, as such, he has been falsely implicated in this case, hence the applicant is entitled to bail.

3. Learned AGA opposed the prayer for bail.

4. Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on merits of the case, I am of the view that the applicant has made out a case for bail.

5. Let **applicant - Amar Nath Trivedi** involved in Case Crime No. 779 of 2016 under Sections 147, 323, 354, 504, 506 IPC and Section 3(I)(X) S.C./S.T. Act and Section 7/8 Protection of Children from Sexual Offences Act, P.S. Gomti Nagar, District Lucknow 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 with the following conditions which are being imposed in the interest of justice:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates 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.

(ii) 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 of the Indian Penal Code.

(iii) 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. is issued and the 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 of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) 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.

Order Date :- 11.12.2023

Mohit Singh/-