

Neutral Citation No. - 2024:AHC-LKO:69720

RESERVED

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7983 of 2024

Applicant :- Ramkrishna Jaladhar Parai

Opposite Party :- Union Of India Thru. Directorate Of Revenue Intelligence Zonal Unit Lko

Counsel for Applicant :- Atul Verma, Akhilendra Pratap Singh, Mohd Agha Haider Rizvi, Vinod Kumar Yadav

Counsel for Opposite Party :- Digvijay Nath Dubey

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Hon'ble Jaspreet Singh, J.

1. Heard Shri Atul Verma, learned counsel for the applicant and Shri Digvijay Nath Dubey, learned counsel for the respondent.
2. This is a regular bail application filed by the applicant who has been arraigned in a Complaint Case/DRI Case No.6/2024 under Section 135 of the Customs Act, 1962, Police Station DRI, District Lucknow.
3. The applicant had earlier filed an application seeking anticipatory bail under Section 438 Cr.P.C., bearing No.791 of 2024 (Ramkrishna Jaladhar Parai v. Union of India) which came to be rejected by this Court by means of order dated 14.05.2024. It is in furtherance thereof that the applicant surrendered before the Court concerned and he is in judicial custody since 29.06.2024.
4. The facts as borne out from the record reveals that Directorate of Revenue Intelligence (hereinafter referred to 'DRI') received specific tip and information and acting upon the same, it intercepted two persons namely Lalmohan Panja and Harekrishna Parai, two co-accused, on 20.02.2024 at around 09:20 PM from the Second AC Coach bearing No.A1 of Pushpak Express (Train No.12533) from Charbagh Railway Station, Lucknow and their baggage was searched. From their three Trolley Bags,

558.900 Grams of Gold allegedly of foreign origin valued at Rs.3,29,25,000/- and cash in Indian Currency worth Rs.3.28/- Crores is said to have been recovered. It was informed by the two co-accused that they were travelling to Mumbai to deliver the above recovered gold and ornaments and cash currency to its owners namely Ramkrishna Jaladhar Parai (the applicant) and his brother namely Laxman Chandra Parai (another co-accused).

5. Upon further questioning and as per information revealed by the two co-accused follow up search was conducted in the office premises, of the applicant and his brother co-accused Laxman Chandra Parai, situate in a Flat, in Chowk area of Lucknow from where additional 7,700 grams of gold jewellery is said to have been recovered and valued at Rs.3,69,60,000/-.

6. The detained two co-accused namely Lalmohan Panja and Harekrishna Parai also revealed that another locker was kept in the residence of another co-accused Sumit Rastogi. The premises of Sumit Rastogi was also searched and a locker was recovered from the said premises. The keys to the said locker were available with the two detained co-accused persons who were being questioned and upon opening of the said locker 20,500 grams of gold jewellery was found in the said locker valued at Rs.12,42,62,400/-.

7. Three test samples marked as S1, S2 and S3 were drawn from the seized gold jewellery as well as 41.9 grams of gold pieces and were sent to the Director Central Revenue Control Laboratory at New Delhi and its report indicated that the first sample marked as S1 was composed of

98.42% of gold (by weight), the second sample S2 was an alloy containing gold, silver and copper with primary gold content of 74.38% (by weight) and the third sample S3 indicated that it was an alloy of gold, silver and copper with gold content of 75.15% (by weight).

8. Upon the aforesaid information and recovery of the articles and cash from the two detained co-accused namely Lalmohan Panja and Harekrishna Parai they were apprehended and were sent to jail.

9. The complaint under Section 135 of the Custom Act, 1962 was filed against (i) Lalmohan Panja and (ii) Harekrishna Parai (these two co-accused were apprehended at the railway station with the seized cash and gold jewellery, (iii) Sumit Rastogi, from whose residence a locker was found of which the combination and key were with the above mentioned two detained co-accused who were apprehended with the jewellery and cash, (iv) the applicant and (v) his brother Laxman Chandra Parai and (vi) another co-accused Abhijeet Manna.

10. The record further reveals that Sumit Rastogi was enlarged on bail by this Court by means of the order dated 03.04.2024 passed in Criminal Misc. Bail Application No.3594/2024.

11. Thereafter, two regular bail applications of the apprehended co-accused namely Lalmohan Panja and Harekrishna Parai were filed and two anticipatory bail applications were filed by the present applicant and his brother Laxman Chandra Parai. All four came to be rejected by this Court by means of the order dated 14.05.2024 passed on four above mentioned separate bail applications.

12. In the aforesaid backdrop the present applicant Ramkrishna Jaladhar Parai has moved the instant regular bail under Section 439 Cr.P.C.

13. Shri Atul Verma, learned counsel for the applicant has urged that the applicant is a respected businessman trading in gold and jewellery. The applicant is a proprietor of firm named and styled as M/s. Ram Laxman & Company which was formally incorporated in the year 2017, even though the applicant has been an income tax payee since last 10 years. The firm of the applicant namely M/s. Ram Laxman & Company is duly registered under the Goods, Service Tax (GST) and it also registered with the Ministry as a Micro, Small and Medium Enterprise (MSME).

14. The submission of the learned counsel for the applicant is that the applicant procures gold and thereafter the same is used for making jewellery and ornaments which is sold across the country to its customers.

15. It is urged that in the regular course of business, the applicant maintains proper books of accounts which inter-alia includes stock register, ledgers which reflects the procurement and sale of gold, GST returns which includes the sale of jewellery made from gold. The sale proceeds received from the customers is deposited in the bank account of the firm maintained with the ICICI Bank Limited, situate in Ostwal, D. Darshana Building, Near Jain Mandir, Thane (Maharashtra).

16. It is further urged that the applicant has paid GST to the concerned Department and the relevant statements of bank account, the GST returns, income-tax returns, registration of firm of the applicant with the GST Department and with MSME have been annexed with the bail application

to clearly demonstrate that the applicant is a bonafide businessman having a respectable position in the market and the applicant has been paying his taxes and he has been falsely implicated in the instant case.

17. The thrust of the submissions of Shri Verma is that the complaint has been filed against the applicant under Section 135 of the Customs Act. It is urged that in order to attract the aforesaid offence in terms of Section 135 of the Customs Act there must be prima-facie indication that the gold jewellery which is said to have been confiscated and seized by the DRI is made from gold of foreign origin. In this regard, it is urged that except for the statement of the two co-accused namely Lalmohan Panja and Harekrishna Parai, there is no material brought on record by the DRI to indicate that the gold jewellery was made from gold of foreign origin. Even a small quantity of gold in form of pieces also do not have any marking to indicate that the gold pieces were of foreign origin.

18. It is further submitted that in absence of any clear prima-facie material to indicate that gold is of foreign origin apparently the provisions of Section 135 of the Customs Act is not attracted. The statement given by the two co-accused Lalmohan Panja and Harekrishna Parai cannot be used against the applicant for charging him with the offence under Section 135 of the Customs Act.

19. Shri Verma has further urged that the said gold jewellery which has been seized and recovered from the two co-accused were not in the shape of gold pieces or bars nor the same has been recovered and seized from any airport or port which could give rise of any speculation that the said gold was being smuggled in the country. On the contrary the material brought on

record suggests clearly that the applicant is a bonafide businessman and has ample resources to justify the quantity of gold jewellery as well as gold pieces and the necessary corresponding transactions including payment of GST returns filed by the applicant also corroborates the level of business turnover being done by the applicant.

20. It is further submitted that the allegations in the complaint and in the counter affidavit filed in the instant bail application by the DRI, it does not dispute the genuineness of the bank account statement, GST returns and income-tax returns including the documents relating to the stock register maintained by the applicant and it all points to the business turnover of the applicant and his firm and as such the business dealing of the applicant in respect of gold and jewellery is properly documented and accounted for.

21. However, insofar as the cash component is concerned, the same has been derived from the sale of gold jewellery and the same is claimed by the applicant and his brother, the co-accused Laxman Chandra Parai as their own. The cash amount had it not been seized, it would have been deposited by the applicant in the firm account upon which necessary taxes would have been paid but nevertheless it will not amount to any smuggling or evasion of duty to invoke the provisions under the Customs Act.

22. Even at best, if it is considered to be a case of evasion of custom duty (though not conceded) the applicant can only be subjected to penalties. The gold jewellery as recovered may not have had any BIS marking even then it could be a mere violation of the provisions of Bureau of Indian Standards Act, 2016 against which some penalty can be imposed upon the applicant but nonetheless a case for keeping the applicant in custody is not made out.

23. It is further submitted that the applicant has been in jail since 29.06.2024 and the complaint has already been filed on the basis of material available with the Department and no interest has been shown by the DRI that the custody of the applicant is required for any further investigation or interrogation. The Department already had made a search of the residence and the office premises of the applicant maintained in Thane, Maharashtra and at Lucknow and it has already seized all articles which the Department thought was incriminating, hence, there is no apprehension that the applicant will be at flight risk or would tamper with any evidence or influence any witness. In such circumstances, the applicant, who otherwise has already undergone more than 3 months in jail where the maximum sentence in terms of Section 135 of the Customs Act is upto 7 years and triable by the Magistrate, hence, in the aforesaid circumstances, the bail application deserves to be allowed.

24. Shri Digvijay Nath Dubey, learned counsel for the DRI has vehemently opposed the bail application. The submission is that huge quantity of gold and cash was recovered from the two co-accused namely Lalmohan Panja and Harekrishna Parai, who are said to be the employees of the applicant and his brother Laxman Chandra Parai.

25. It is further submitted that the documents which have been annexed with the bail application cannot be taken to be the gospel truth regarding the bonafides of the applicant. It is urged that what is important is the fact that the gold jewellery, gold pieces and cash which have been recovered has been accepted by the applicant to be that of the applicant and his brother.

26. It is further submitted that the statements of the two co-accused which has been recorded is a valuable piece of evidence. The statements of the employees of the applicant clearly indicates that the gold jewellery has been made from the gold of foreign origin. It is submitted that the two co-accused namely Lalmohan Panja and Harekrishna Parai, they worked for the applicant and his brother. They used to smuggle gold in the country from Nepal and the same is then melted to make gold jewellery and later sold to the customers. This clearly depicts bringing gold of foreign origin in the country and clearly a case under Section 135 of the Customs Act is made out.

27. Shri Dubey has further urged that in terms of Section 135, the burden is on the applicant to disprove that the gold or the ornament with which it has been made is not of foreign origin. It is further submitted that during the investigation and recording of the statements of the co-accused and the applicant it revealed that the applicant, his brother and the another co-accused namely Lalmohan Panja and Harekrishna Parai, Sumit Kumar Rastogi and Abhijeet Manna were in constant touch with each other on mobile phone as referred from the call data and record of the phone calls of the applicants and other co-accused. Apart from being in touch with each other they even shared the pictures of the gold items so much so that even immediately prior to the apprehending of the two co-accused, the applicant and his brother were in touch with the detained co-accused including Sumit Kumar Rastogi and there is sufficient material to implicate the applicant and the co-accused in terms of Section 135 of the Customs Act.

28. It is further urged that the statements of two detained co-accused as

well as the applicant is not hit by Section 25 of the Indian Evidence Act as it is now well settled that the statement of the accused before the custom officer (who is not a police officer) can be used against the applicant.

29. In light of the aforesaid, the statement of the co-accused and the confession recorded therein that the gold jewellery was made of gold from foreign origin and looking into the quantum of the cash recovered and the gold jewellery, the complicity of the applicant is duly established. Hence, the bail application deserves to be rejected.

30. The parties have exchanged copious pleadings. The applicant has filed the bail application along with documents to which the Department submitted its counter affidavit dated 29.07.2024. The applicant then filed his rejoinder affidavit on 21.08.2024. In response thereto, the DRI also filed its supplementary counter affidavit on 28.08.2024. This led the applicant to file its supplementary rejoinder affidavit on 10.09.2024 and the DRI also filed its response to the supplementary rejoinder affidavit dated 10.09.2024.

31. The Court has heard learned counsel for the parties at length and have also perused the material on record.

32. At the outset, it may be noticed that on the basis of a tip received by the DRI two persons namely Lalmohan Panja and Harekrishna Parai were intercepted and gold jewellery, gold bars and cash was recovered from their custody and these facts have already been narrated in the earlier part of this judgment.

33. The complaint has been filed before the Chief Judicial Magistrate

(Economic Wing), under Section 135 of the Customs Act, 1962. Section

135 reads as under:-

"135. Evasion of duty or prohibitions.—[(1) Without prejudice to any action that may be taken under this Act, if any person—

(a) is in relation to any goods in any way knowingly concerned in misdeclaration of value or in any fraudulent evasion or attempt at evasion of any duty chargeable thereon or of any prohibition for the time being imposed under this Act or any other law for the time being in force with respect to such goods; or

(b) acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under Section 111 or Section 113, as the case may be; or

(c) attempts to export any goods which he knows or has reason to believe are liable to confiscation under Section 113; or

(d) fraudulently avails of or attempts to avail of drawback or any exemption from duty provided under this Act in connection with export of goods,

he shall be punishable,—

(i) in the case of an offence relating to,—

(A) any goods the market price of which exceeds one crore of rupees; or

(B) the evasion or attempted evasion of duty exceeding [fifty lakh] of rupees; or

(C) such categories of prohibited goods as the Central Government may, by notification in the Official Gazette, specify; or

(D) fraudulently availing of or attempting to avail of drawback or any exemption from duty referred to in clause (d), if the amount of drawback or exemption from duty exceeds [fifty lakh] of rupees

with imprisonment for a term which may extend to seven years and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the court, such imprisonment shall not be for less than one year:

(ii) in any other case, with imprisonment for a term which may extend to three years, or with fine, or with both.]

[(2) If any person convicted of an offence under this section or under sub-section (1) of Section 136 is again convicted of an offence under this section, then, he shall be punishable for the second and for every subsequent offence with imprisonment for a term which may extend to seven years and with fine:

Provided that in the absence of special and adequate reasons to the

contrary to be recorded in the judgment of the court such imprisonment shall not be for less than [one year].

(3) For the purposes of sub-sections (1) and (2), the following shall not be considered as special and adequate reasons for awarding a sentence of imprisonment for a term of less than [one year], namely—

(i) the fact that the accused has been convicted for the first time for an offence under this Act;

(ii) the fact that in any proceeding under this Act, other than a prosecution, the accused has been ordered to pay a penalty or the goods which are the subject-matter of such proceedings have been ordered to be confiscated or any other action has been taken against him for the same act which constitutes the offence;

(iii) the fact that the accused was not the principal offender and was acting merely as a carrier of goods or otherwise was a secondary party to the commission of the offence;

(iv) the age of the accused.]"

34. From a perusal of the aforesaid section, it is apparent that a person can be punished for the limited offence if the ingredient as set out in the said section is made out. The maximum sentence which is prescribed in the aforesaid provisions is upto 7 years. The said section also indicates that only in terms of special circumstances, as mentioned in the said section, the sentence can be upto 7 years.

35. Section 123 of the Act mentions regarding the burden of proof in certain cases. The said section enumerates that where there is a reasonable belief that any goods have been smuggled then the burden to prove that goods have not been smuggled is on the person from whose possession the incriminating articles have been recovered and seized. This section is applicable to gold and other class of goods which may be notified by the Central Government.

36. Taking note of the respective submissions of the parties and the provisions as referred hereinabove, it reveals that the applicant is dealing

with sale of gold jewellery through his firm M/s. Ram Laxman & Company. The said firm is a proprietorship and is duly registered with the GST and MSME. The documents filed by the applicant including his bank statement, income tax returns, GST returns, stock register and other business related documents, prima-facie, indicate that the applicant is a businessman dealing with gold and gold jewellery. The statement given by the applicant also reflects that two persons who were apprehended namely Lalmohan Panja and Harekrishna Parai were the employees of the applicant and his brother. They too gave the statement that the jewellery and the cash belonged to the applicant and his brother. It is also reflected from the records that the flat situate in chowk Lucknow was rented by the applicant and his firm and was utilized by the applicant for his business purposes including keeping the gold ornaments.

37. The record further indicates that despite filing various affidavits by the applicant either in support of the bail application or in rejoinder affidavit to the counter affidavit filed by the DRI and two supplementary rejoinder affidavits yet there is no plausible explanation insofar as cash recovered from the co-accused is concerned, except that the said cash belonged to the applicant and his brother as it was generated from the sale of jewellery.

38. Prima-facie record reflects that the quantum of business generated by the applicant through his firm can give rise to the turnover as suggested and the applicant may have the necessary resources to justify the availability of the quantity of gold and jewellery.

39. It is also not the case of the DRI that the aforesaid

gold/jewellery/cash was recovered from the airport or from a railway station near a border town from where the gold of foreign origin could be smuggled. Except for the incriminating statement made by the two co-accused namely Lalmohan Panja and Harekrishna Parai, there is nothing to indicate with clarity that the gold or gold jewellery which has been recovered and seized had any foreign origin. In such circumstances, the issue of reverse burden at this stage, where the Court is considering the bail, is not relevant in this given case rather it would be a matter to be considered by the trial Court during trial. Apart from Section 135 of the Customs Act, the applicant has not been charged with any other sections either under the Customs Act or any other Act for having committed an offence.

40. It could not be disputed at this stage by the DRI that the documents which have been submitted by the applicant are not genuine. The applicant has his own residence, his firm is duly registered and its business relates to dealing with gold jewellery. Bank statements, GST returns, Income-tax Returns, all reflect that the applicant is not at flight risk. The family of the applicant comprising of his wife and children are also residing in Thane, Maharashtra and it shows that the applicant has roots in the society.

41. It is also not disputed that the applicant does not have any other criminal history except for the case at hand. The applicant has been in jail since more than 3 months and apparently the DRI has not demonstrated any reason or purpose for which the custody of the applicant is required any more. It is also not disputed that the maximum sentence as prescribed under Section 135 of the Customs Act is upto 7 years and is triable by Magistrate

and the complaint has already been filed.

42. At this stage, the observations of the Apex Court in the case of **Dataram Singh v. State of U.P. & Another, (2018) 3 SCC 22** is gainfully recalled wherein it has held as under:-

"1. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.

2. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.

3. While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in judicial custody after a charge-sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to Section 436 of the Code of Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting Section 436-A in the Code of Criminal Procedure, 1973.

5. The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in **Nikesh Tarachand Shah v. Union of India** [**Nikesh Tarachand Shah v. Union of India, (2018) 11 SCC 1 : (2017) 13 Scale 609**] going back to the days of the Magna Carta. In that decision, reference was made to **Gurbaksh Singh Sibbia v. State of Punjab** [**Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465**] in which it is observed that it was held way back in **Nagendra Nath Chakravarti, In re** [**Nagendra Nath Chakravarti, In re, 1923 SCC OnLine Cal 318 : AIR 1924 Cal 476**] that bail is not to be withheld as a punishment. Reference was also made to **Emperor v. H.L. Hutchinson** [**Emperor v. H.L. Hutchinson, 1931 SCC OnLine All 14 : AIR 1931 All 356**] wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.

6. However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory."

43. The Apex Court in **Sanjay Chandra v. Central Bureau of Investigation, (2012) 1 SCC 40** has held as under:-

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.

23. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct

whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson."

44. Considering the aforesaid parameters as laid down by the Apex Court and taking note of the submissions and material on record also considering the nature of allegations and accusation against the applicant, the severity of the punishment if convicted including the fact that the applicant is not at flight risk nor it has been apprehended by the DRI that the applicant is in a position to tamper with evidence or influence any witness and that the charge under Section 135 of the Customs Act is yet to be established in trial also noticing the period of incarceration as well as the fact that the personal liberty of the applicant is a precious fundamental right which has to be balanced in the context with the punishment which may finally be awarded upon conclusion of trial, hence, at this stage, without expressing any opinion on the merits of the case, this Court is of the view that the applicant is entitled to be released on bail.

45. Let the applicant **Ramkrishna Jaladhar Parai** involved in Complaint Case/DRI Case No.6/2024 under Section 135 of the Customs Act, 1962, Police Station DRI, District Lucknow be released on bail on his furnishing a personal bond with two reliable sureties each in the like amount to the satisfaction of the court concerned.

46. At the time of executing required sureties the following conditions shall be 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) The applicant will not leave the country without the written leave of the trial Court.

(iv) 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.

(v) 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.

(vi) The applicant shall neither influence any witness nor tamper with any evidence after his release.

Order Date :- 16.10.2024
Rakesh/-