Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 943 of 2020

Applicant :- Mandip Yadav
Opposite Party :- State of U.P.
Counsel for Applicant :- Ajay Srivastava
Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Heard learned counsel for the applicant and learned A.G.A.

The allegation in the First Information Report is that applicant has made phone call to the informant demanding Rs. two lacs for protection.The informant is doctor.

It is submitted that from the First Information Report it is clear that applicant informed his name on the phone. No person reveals his identity while demanding illegal protection money.Police has falsely implicated the applicant in this case on account of some dispute with police.The applicant is in jail since 29.6.2019.The applicant has criminal history of eleven cases explained in paragraph-2 of the supplementary affidavit.

Learned A.G.A. has opposed the bail prayer of the applicant but could not dispute the aforesaid fact..

Keeping in view the nature of the offence, argument advanced on behalf of the parties, spreading of novel corona virus in jails, evidence on record regarding complicity of the accused, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of Dataram Singh Vs. State of U.P. and another reported in (2018)3 SCC 22 and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, Mandip Yadav, who is involved in Case Crime No. 216 of 2019, under Sections 386, 506 I.P.C, Police Station-Alinagar , District-Chandauli, 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. Further, before issuing the release order, the sureties be verified.

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.

2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

4. In case the applicant has been enlarged on short term bail as per the order of committee constituted under the orders of Hon'ble Supreme Court his bail shall be effective after the period of short term bail comes to an end.

5. The applicant shall be enlarged on bail on execution of personal bond without sureties till normal functioning of the courts is restored. The accused will furnish sureties to the satisfaction of the court below within a month after normal functioning of the courts are restored.

6. The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

7. The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

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

Order Date :- 31.8.2020
Atul kr. sri.