In Chamber

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3906 of 2020

Applicant :- Chandrapal Singh
Opposite Party :- State of U.P.
Counsel for Applicant :- Mohit Singh,Dileep Kumar Shukla,Subhash Chandra Pandey
Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

This bail application is being disposed of as per the order dated 04.04.2020 of Hon'ble the Chief Justice.

No objection has been received on line from the opposite party.

The allegation against the applicant is that he accompanied co-accused, Lakhan Singh when he took Rs. four lacs from the informant for getting his son selected in the railway examination.

From the perusal of the material on record it is clear that informant himself committed illegality in making payment to co-accused, Lakhan Singh, for getting his son's selection in railway examination and clearly there was illegal contract between them.The allegation of payment of money is against the co-accused, Lakhan Singh. The applicant is in jail since 21.11.2019. In para 46 of the affidavit in support of the bail application it has been averred that the applicant has no criminal history.

Keeping in view the nature of the offence, 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, Chandrapal Singh, who is involved in Case Crime No. 95 of 2019, under Sections 406,420, 467, 468, 469, 471 I.P.C, Police Station-Bhagatpur , District- Moradabad, 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 computer generated copy of such order shall be self attested by the counsel of the party concerned.

8. 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 :- 16.4.2020
Atul kr. sri.