In Chamber

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5569 of 2020

Applicant :- Bittu @ Arun
Opposite Party :- State of U.P.
Counsel for Applicant :- Vijay Kumar
Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

State has filed written objection through online, hard copy of the same is taken on record.

Perused the records as well as written objection filed by State.

The instant bail application has been filed on behalf of the applicant, **Bittu @ Arun**, with a prayer to release him on bail in Case Crime No. 858 of 2016, under Section 2/3 U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station- Muradnagar, District- Ghaziabad, during pendency of trial.

According to gang chart, the applicant is said to have been involved in one criminal case. In paragraph 6 to the affidavit filed in support of the bail application, it is stated that he is bailed out in the said case and there is no reference of other case. Bail order is not annexed along with the bail application. The applicant is in jail since 21.09.2016.

By filing written objection, State has opposed the bail but accepted this fact in paragraph 3 that the case shown in the gang chart, applicant is bailed out.

By perusal of record, it was found that co-accused, namely, Manoj Kumar, Shaukendra and Vikas Kumar Paswan have already been granted bail by this Court vide orders dated 17.1.2020, 23.1.2020 and 16.4.2020 in Criminal Misc. Bail Application Nos. 2329 of 2020, 3800 of 2020 and 50434 of 2019.

Considering the material on record as well as the dictum of Apex Court in the case of ***Dataram Singh Vs. State of U.P. and another, reported in (2018) 3 SCC 22***, larger mandate of Article 21 of the constitution of India, let the applicant involved in the aforesaid case crime be released on bail subject to the following conditions :-

1.Considering the special circumstances of the lock-down prevailing in the district concerned presently and in the light of the directions of this Court in PIL No. 564 of 2020 dated 06.04.2020, let the applicant be enlarged on bail in the aforesaid case crime number on his furnishing a personal bond only to the satisfaction of the jail authorities, where the applicant is languishing. It is further directed that within period of four weeks from the date of lifting of the complete lock-down in the district concerned resulting in resumption of normal functioning of the Courts in that district, the applicant shall furnish two sureties each of the like amount to the satisfaction of the court concerned alongwith certified copy of this order, failing which the bail granted by this Court shall stand cancelled necessitating surrender of the applicant.

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

3. 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.

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

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

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

7. 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;

8. In case, the applicant misuses the liberty of bail 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.

9. 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 default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of his bail and proceed against him in accordance with law.

10. 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.

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

Order Date :- 22.4.2020
Arvind