Court No. - 82
Case :- CRIMINAL MISC. BAIL APPLICATION No. - 17755 of 2020
Applicant :- Lalit
Opposite Party :- State of U.P.
Counsel for Applicant :- Sunil Kumar Tripathi,Santosh Kukmar Tiwari
Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

In view of the guidelines laid down by this Court, the urgent bail applications have been directed to be heard through Video Conferencing.

Heard learned counsel for the applicant and learned AGA through Video Conferencing.

Order on Criminal Misc. Exemption Application

This exemption application is allowed.

Order on Criminal Misc. Bail Application

The instant bail application has been filed on behalf of the applicant, **Lalit,** with a prayer to release him on bail in **Case Crime No. 138 of 2020, under Sections 147, 149, 272, 273, 307 IPC and 60 Excise Act, Police Station Kithore, District- Meerut,** during pendency of trial.

Submission is that implication of applicant is under Section 307 IPC. Causing injury or not causing the same is not relevant. Intention to cause murder is relevant. Intention of the applicant was only to evade arrest by the police and he fired only to frighten the police. For implication under Section 307 I.P.C. intention forms necessary ingredient of offence in any particular case. It necessarily precedes the act and should be discernible from the allegations on record, which is lacking in this case.

It has been submitted that Food Safety and Standards Act, 2006 has been enacted by the legislature and hence the implication of the applicant under section 272, 273 I.P.C. is unjustified. Offence under section 60 of Excise Act is bailable and trible by Magistrate. False recovery has been alleged. The applicant is languishing in jail since 07.4.2020.

Learned AGA has opposed the prayer for bail of the applicant.

Having considered the material on record, 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, let the applicant involved in the aforesaid crime 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 that :-

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 :- 6.7.2020
Ruchi Agrahari

Digitally signed by JUSTICE SIDDHARTH
Date: 2020.07.06 17:28:30 IST
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Location: High Court of Judicature at Allahabad