Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 20554 of 2020

Applicant :- Pankaj Rai
Opposite Party :- State of U.P.
Counsel for Applicant :- Rajeev Chaddha
Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material brought on record.

The present bail application has been filed on behalf of the applicant, Pankaj Rai with a prayer to release him on bail in Case Crime No. 137 of 2020, under Sections 307, 412 I.P.C., Police Station- Khorabar, District- Gorakhpur, during pendency of trial.

The submission advanced by learned counsel for applicant is that the applicant is innocent and has been falsely implicated in the present case due to ulterior motive; It is simply a case of police encounter; no incriminating article has been recovered from the possession of the applicant; no one is injured from the side of the police party; applicant has criminal history of two cases, which has been explained in para 15 of the affidavit filed in support of the application. Learned counsel for the applicant has further submitted that one case is registered against unknown person and in the second case the allegation against him is that he had fired on the police party, but none of the police personnel had received injury and in both the cases he has been granted bail from the court below. The applicant is languishing in jail since 13.5.2020. If he is released on bail, he will never misuse his liberty and will co-operate in the trial.

Learned AGA for the State has vehemently opposed the prayer for bail.

Having considered the material on record 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/her 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.

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

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

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.

Order Date :- 25.11.2020
T. Sinha