**Court No. - 78**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 26273 of 2020

**Applicant :-** Arvind
**Opposite Party :-** The State Of U.P.
**Counsel for Applicant :-** Ajay Kumar Srivastava
**Counsel for Opposite Party :-** G.A.,Pankaj Satsangi

**Hon'ble Rajiv Joshi,J.**

Heard Sri Ajay Kumar Srivastava, learned counsel for the applicant, learned A.G.A. for the State, Sri Pankaj Satsangi, learned counsel for the informant and perused the record.

This instant bail application has been filed for releasing the applicant on bail in Case Crime No. 65 of 2020, under Sections 147, 148, 323, 324, 325, 307, 504, 506, 34 IPC, P.S. Katra, District Shahjahanpur, during pendency of trial.

It is contended by learned counsel for the applicant that applicant is innocent and has been falsely implicated in the present case due to enmity. The applicant has not committed the alleged offence. There is no independent witness of the alleged incident. It is next contended that the ingredients of offences are absent and entire prosecution story is based on false and frivolous allegations. It is further contended that no specific role has been assigned to the applicant. It is next contended by learned counsel for the applicant that co-accused Akhilesh Singh and Nanhe Singh as well as Alok Singh, whose role was identical to the applicant, have been enlarged on bail by the co-ordinate Bench of this Court vide order dated 5.11.2020 and 9.11.2020 in Criminal Misc. Bail Application Nos. 26349 of 2020 and 30745 of 2020 respectively and therefore, the applicant is entitled for bail on the ground of parity. It is lastly contended by learned counsel for the applicant that the applicant is in jail since 05.06.2020, having no other previous criminal history to his credit and that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial and thus, the applicant is entitled for indulgence.

Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for 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-

**Arvind** 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 :-** 7.12.2020
Noman