Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32744 of 2020

Applicant :- Sanjay Singh @ Aashu
Opposite Party :- State of U.P.
Counsel for Applicant :- Krishna Dutt Awasthi,Kandarp Srivastava
Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Heard learned counsel for the applicant and learned A.G.A.

There is allegation against unknown accused persons traveling in vehicle no. U.P. 79 Q-9333 of threat of extortion of undisclosed amount from tractor driver.There is allegation that people, who indulged in extortion informed that they are Media Incharge of Bhartiya Janata Party and they have tarnished the image of the party .The First Information Report has been lodged by another Media Incharge of the B.J.P.Learned counsel for the applicant has submitted that it is a case of false implication.There is no injury caused to anyone nor any specific amount is alleged to have been paid as extortion money. Only on the basis of vehicle number which belongs to the applicant, who is press reporter he has been implicated. Vehicle of the applicant and informant collided hence the First Information Report. The applicant is in jail since 11.8.2020 and has no criminal history.

Learned A.G.A. has opposed the bail prayer of the applicant but could not dispute the aforesaid fact..

Keeping in view the nature of the offence, argument advanced on behalf of the parties, spreading of novel corona virus in jails, 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, Sanjay Singh @ Aashu, who is involved in Case Crime No. 500 of 2019, under Section 386 I.P.C, Police Station-Ajitmal District- Auraiya, 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. In case court below is functioning normally, this condition will not apply and applicant shall be enlarged on bail on execution of bail bond and two sureties to the satisfaction of the court below.

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 :- 20.10.2020
Atul kr. sri.