Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 35349 of 2020

Applicant :- Chandrapal And 4 Others
Opposite Party :- State of U.P.
Counsel for Applicant :- Rajneesh Kumar Sharma,Manish Kumar Pandey
Counsel for Opposite Party :- G.A.,Sunil Kumar Singh

Hon'ble Rajiv Joshi,J.

Heard Sri Manish Kumar Pandey, learned counsel for the applicants, learned A.G.A. for the State and perused the record. No one is present on behalf of the informant.

This instant bail application has been filed for releasing the applicants on bail in Case Crime No. 413 of 2020, under Sections 147, 148, 149, 308, 323, 324, 504, 506 IPC, P.S. Gajraula, District Amroha, during pendency of trial.

It is contended by learned counsel for the applicants that the applicants have falsely been implicated in the present case due to ulterior motive. It is next contended by learned counsel for the applicants that there is a cross version and both the parties have lodged first information report against each other, in which both sides sustained injuries and it could not be ascertained at this stage as to which party is aggressor and the same could only be known after the full fledged trial. It is lastly contended by learned counsel for the applicants that applicants are in jail since 26.08.2020, having no other previous criminal history to their 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 applicants are 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 applicants.

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 applicants-**Chandrapal, Rohit, Shiv Kumar, Gautam Singh** and **Pushpendra** 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 applicants shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.

2. The applicants shall cooperate in the trial sincerely without seeking any adjournment.

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

4. In case the applicants have 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 applicants 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 :- 9.12.2020
Noman