Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38158 of 2020

Applicant :- Rohit
Opposite Party :- State of U.P.
Counsel for Applicant :- Gufran Ahmad Khan
Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Joshi,J.

Heard Sri Gufran Ahmad Khan, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

This instant bail application has been filed for releasing the applicant on bail in Case Crime No. 481 of 2020, under Sections 363, 366 IPC, P.S. Gunnaur, District Sambhal, during pendency of trial.

It is contended by learned counsel for the applicant that he has falsely been implicated in the present case. As per the first information report, daughter of the informant namely, Vitko, aged about 14 years has been abducted by the applicant and co-accused Rahul. It is next contended by learned counsel for the applicant that in the statement recorded under Section 164 Cr.P.C., the victim has specifically stated that nothing has been done with her on 16.6.2020 and the applicant and co-accused Rahul have done nothing with her and the first information report has been lodged by her mother with wrong allegations. It is next contended that co-accused Rahul has been granted bail by the lower court vide order dated 10.08.2020 in application no. 634/2020. It has been further contended that applicant is in jail since 19.06.2020, 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-**Rohit** 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 :- 2.12.2020
Noman