Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40564 of 2020

Applicant :- Rashid
Opposite Party :- State of U.P.
Counsel for Applicant :- Amit Kumar Chauhan
Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Joshi,J.

Supplementary affidavit filed today on behalf of the applicant is taken on record.

Heard Sri Amit Kumar Chauhan, 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. 57 of 2020, under Sections 307, 333, 336, 393, 504, 427 IPC and Section 7 of Criminal Law Amendment Act, P.S. Purani Basti, District Basti, during pendency of trial.

It is contended by learned counsel for the applicant that the first information report was lodged against unknown persons and name of the applicant was surfaced on the basis of information received from informer (mukhbir). It is next contended by learned counsel for the applicant that he has falsely been implicated in the present case with ulterior motive, in fact, he has not assaulted the constable as alleged in the first information report. It is next contended that nobody has seen the said incident and no identification parade has been conducted. It is lastly contended by learned counsel for the applicant that the applicant is in jail since 15.03.2020 having criminal history of 13 cases, which has been explained in paragraph 5 to 17 of the supplementary affidavit and in all the cases, he has been enlarged on bail 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- **Rashid** 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 :- 9.12.2020
Noman