Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41567 of 2020

Applicant :- Ajay Yadav
Opposite Party :- State of U.P.
Counsel for Applicant :- Prashant Pandey
Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Joshi,J.

Heard Sri Prashant Pandey, learned counsel for the applicant and learned A.G.A for the State and perused the record.

Applicant- Ajay Yadav seeks bail in Case Crime No. 215 of 2016, under Sections 147, 148, 149, 342, 353, 332, 333, 307, 323, 336, 308, 504, 506, 427, 364A, 364, 368 IPC and Section 3/4 of Prevention of Damage to Public Property Act, P.S. Cantt., District- Varanasi.

Learned counsel for the applicant has submitted that applicant is wholly innocent and has been falsely implicated in the present case due to ulterior motive. Learned counsel for the applicant has next submitted that the co-accused Abhinav Srivastava, Haider Ali and Nakharoo @ Arun Chauhan have been assigned similar role to the applicant have already been granted bail by this Court in Criminal Misc. Bail Application Nos. 23190 of 2016, 17388 of 2016 and 6003 of 2019 vide orders dated 14.7.2016, 25.5.2016 and 5.3.2019, therefore, the applicant is entitled for bail on the ground of parity. Several other persons have also been granted bail in the present case. Lastly, it is submitted that applicant is in jail since 2.4.2016 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial by all means. The criminal history of the applicant has been explained in paragraph- 15 to 19 to the affidavit filed in support of the bail application. The police report has already been submitted and the chances of trial being concluded in near future is very bleak due to heavy dockets.

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, **Ajay Yadav**, who is involved in the aforesaid case crime number 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.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad. The concerned Court shall verify the authenticity of such computerized copy of the order from the official website of High Court, Allahabad.

Order Date :- 26.11.2020
Akbar