Court No. - 83

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42304 of 2020

Applicant :- Vinod Kumar
Opposite Party :- State of U.P.
Counsel for Applicant :- Ajay Tripathi,Gautam Dubey
Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Sri Gautam Dubey, learned counsel for the applicant and learned AGA for the State.

A first information report was lodged against the applicant as Case Crime No.84 of 2019 at police station-Pahadi, District-Chitrakoot on 09.05.2019 under Sections 419, 420, 467, 468, 471, 120-B IPC.

The bail application of the applicant was rejected by learned Sessions Judge, Chitrakoot on 14.10.2020.

The applicant is in jail since 15.09.2020, pursuant to the said F.I.R.

Sri Gautam Dubey, learned counsel contends that the applicant has been falsely implicated in the present case. The applicant was not named in the F.I.R. The applicant is only a marginal witness to the sale agreement.

Learned A.G.A. opposes the prayer of bail.

The applicant has satisfactorily explained his criminal history.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant -***Vinod Kumar*** be released on bail in Case Crime No.84 of 2019 under Sections 419, 420, 467, 468, 471, 120-B IPC, registered on 09.05.2019 at police station-Pahadi, District-Chitrakoot, on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Court below. The following conditions be imposed in the interest of justice:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person,

before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

(v) The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

(vi) The computer generated copy of such order shall be self attested by the counsel of the party concerned.

(vii) 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.

Order Date :- 1.12.2020

Ashish Tripathi